

1 ENGROSSED SENATE  
2 BILL NO. 840

By: David and Fields of the  
Senate

3 and

4 Osborn (Leslie) and Wallace  
5 of the House

6  
7 An Act relating to fees; amending 20 O.S. 2011,  
8 Section 1313.2, as amended by Section 2, Chapter 181,  
9 O.S.L. 2016 (20 O.S. Supp. 2016, Section 1313.2),  
10 which relates to fees for persons convicted of  
11 criminal offenses; increasing fee amount; updating  
12 language and statutory reference; amending 63 O.S.  
13 2011, Section 948, as amended by Section 17, Chapter  
14 293, O.S.L. 2014 (63 O.S. Supp. 2016, Section 948),  
15 which relates to storage of biological specimens and  
16 storage fees; updating statutory reference; amending  
17 63 O.S. 2011, Section 954, as amended by Section 508,  
18 Chapter 304, O.S.L. 2012 (63 O.S. Supp. 2016, Section  
19 954), which relates to the Chief Medical Examiner  
20 Revolving Fund; modifying inclusions; providing an  
21 effective date; and declaring an emergency.

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. AMENDATORY 20 O.S. 2011, Section 1313.2, as  
24 amended by Section 2, Chapter 181, O.S.L. 2016 (20 O.S. Supp. 2016,  
Section 1313.2), is amended to read as follows:

Section 1313.2. A. As used in this section:

1. "Arrested" means taking custody of another for the purpose  
of holding or detaining him or her to answer a criminal charge;

1           2. "Convicted" means any final adjudication of guilt, whether  
2 pursuant to a plea of guilty or nolo contendere or otherwise, and  
3 any deferred or suspended sentence or judgment;

4           3. "Court" means any state or municipal court having  
5 jurisdiction to impose a criminal fine or penalty; and

6           4. "DNA" means Deoxyribonucleic acid.

7           B. Any person convicted of an offense, including traffic  
8 offenses but excluding parking and standing violations, punishable  
9 by a fine of Ten Dollars (\$10.00) or more or by incarceration or any  
10 person forfeiting bond when charged with such an offense, shall be  
11 ordered by the court to pay ~~Nine Dollars (\$9.00)~~ Ten Dollars  
12 (\$10.00) as a separate fee, which fee shall be in addition to and  
13 not in substitution for any and all fines and penalties otherwise  
14 provided for by law for such offense.

15           C. 1. Any person convicted of any misdemeanor or felony  
16 offense shall pay a Laboratory Analysis Fee in the amount of One  
17 Hundred Fifty Dollars (\$150.00) for each offense if forensic science  
18 or laboratory services are rendered or administered by the Oklahoma  
19 State Bureau of Investigation (OSBI), by the Toxicology Laboratory  
20 of the Office of the Chief Medical Examiner or by any municipality  
21 or county in connection with the case. This fee shall be in  
22 addition to and not a substitution for any and all fines and  
23 penalties otherwise provided for by law for this offense.

24

1           2. The court clerk shall cause to be deposited the amount of  
2 One Hundred Fifty Dollars (\$150.00) as collected, for every  
3 conviction as described in this subsection. The court clerk shall  
4 remit the monies in the fund on a monthly basis directly either to:

5           a. ~~the Oklahoma State Bureau of Investigation~~ OSBI who  
6 shall deposit the monies into the OSBI Revolving Fund  
7 provided for in Section 150.19a of Title 74 of the  
8 Oklahoma Statutes for services rendered or  
9 administered by the ~~Oklahoma State Bureau of~~  
10 ~~Investigation~~ OSBI,

11           b. the Office of the Chief Medical Examiner who shall  
12 deposit the monies into ~~the Office of~~ the Chief  
13 Medical Examiner ~~Toxicology Laboratory~~ Revolving Fund  
14 provided for in Section 954 of Title 63 of the  
15 Oklahoma Statutes for services rendered or  
16 administered by ~~the Toxicology Laboratory of the~~  
17 Office of the Chief Medical Examiner, or

18           c. the appropriate municipality or county for services  
19 rendered or administered by a municipality or county.

20           3. The monies from the Laboratory Analysis Fee Fund deposited  
21 into the OSBI Revolving Fund shall be used for the following:

22           a. providing criminalistic laboratory services,  
23           b. the purchase and maintenance of equipment for use by  
24 the laboratory in performing analysis,

1 c. education, training, and scientific development of  
2 ~~Oklahoma State Bureau of Investigation~~ OSBI personnel,  
3 and

4 d. the destruction of seized property and chemicals as  
5 prescribed in Sections 2-505 and 2-508 of Title 63 of  
6 the Oklahoma Statutes.

7 D. Upon conviction or bond forfeiture, the court shall collect  
8 the fee provided for in subsection B of this section and deposit it  
9 in an account created for that purpose. Except as otherwise  
10 provided in subsection E of this section, monies shall be forwarded  
11 monthly by the court clerk to the Council on Law Enforcement  
12 Education and Training (CLEET). Beginning July 1, 2003, deposits  
13 shall be due on the fifteenth day of each month for the preceding  
14 calendar month. There shall be a late fee imposed for failure to  
15 make timely deposits; provided, ~~the Council on Law Enforcement~~  
16 ~~Education and Training~~ CLEET, in its discretion, may waive all or  
17 part of the late fee. Such late fee shall be one percent (1%) of  
18 the principal amount due per day beginning from the tenth day after  
19 payment is due and accumulating until the late fee reaches one  
20 hundred percent (100%) of the principal amount due. Beginning on  
21 July 1, 1987, ninety percent (90%) of the monies received by ~~the~~  
22 ~~Council on Law Enforcement Education and Training~~ CLEET from the  
23 court clerks pursuant to this section shall be deposited in the  
24 CLEET Fund, and ten percent (10%) shall be deposited in the General

1 Revenue Fund. Beginning January 1, 2001, sixty and fifty-three one-  
2 hundredths percent (60.53%) of the monies received by ~~the Council on~~  
3 ~~Law Enforcement Education and Training~~ CLEET from the court clerks  
4 pursuant to this section shall be deposited in the CLEET Fund  
5 created pursuant to subsection G of this section, five and eighty-  
6 three one-hundredths percent (5.83%) shall be deposited in the  
7 General Revenue Fund and thirty-three and sixty-four one-hundredths  
8 percent (33.64%) shall be deposited in the CLEET Training Center  
9 Revolving Fund created pursuant to Section 3311.6 of Title 70 of the  
10 Oklahoma Statutes. Along with the deposits required by this  
11 subsection, each court shall also submit a report stating the total  
12 amount of funds collected and the total number of fees imposed  
13 during the preceding quarter. The report may be made on  
14 computerized or manual disposition reports.

15 E. Any municipality or county having a basic law enforcement  
16 academy approved by ~~the Council on Law Enforcement Education and~~  
17 ~~Training~~ CLEET pursuant to the criteria developed by ~~the Council~~  
18 CLEET for training law enforcement officers shall retain from monies  
19 collected pursuant to subsections A through D of this section, Two  
20 Dollars (\$2.00) from each fee. These monies shall be deposited into  
21 an account for the sole use of the municipality or county in  
22 implementing its law enforcement training functions. Not more than  
23 seven percent (7%) of the monies shall be used for court and  
24 prosecution training. The court clerk of any such municipality or

1 county shall furnish to ~~the Council on Law Enforcement Education and~~  
2 ~~Training~~ CLEET the report required by subsection D of this section.

3 F. 1. Any person entering a plea of guilty or nolo contendere  
4 or is found guilty of the crime of misdemeanor possession of  
5 marijuana or drug paraphernalia shall be ordered by the court to pay  
6 a five-dollar fee, which shall be in addition to and not in  
7 substitution for any and all fines and penalties otherwise provided  
8 for by law for such offense.

9 2. The court clerk shall cause to be deposited the amount of  
10 Five Dollars (\$5.00) as collected, for every adjudicated or  
11 otherwise convicted person as described in this subsection. The  
12 court clerk shall remit the monies in the fund on a monthly basis  
13 directly to the Bureau of Narcotics Drug Education Revolving Fund.

14 G. There is hereby created in the State Treasury a fund for the  
15 Council on Law Enforcement Education and Training to be designated  
16 the "CLEET Fund". The fund shall be subject to legislative  
17 appropriation and shall consist of any monies received from fees and  
18 receipts collected pursuant to the Oklahoma Open Records Act,  
19 reimbursements for parts used in the repair of weapons of law  
20 enforcement officers attending the basic academies, gifts, bequests,  
21 contributions, tuition, fees, devises, and the assessments levied  
22 pursuant to the fund pursuant to law.

23 H. 1. Any person arrested or convicted of a felony offense or  
24 convicted of a misdemeanor offense of assault and battery, domestic

1 abuse, stalking, possession of a controlled substance prohibited  
2 under Schedule IV of the Uniform Controlled Dangerous Substances  
3 Act, outraging public decency, resisting arrest, escaping or  
4 attempting to escape, eluding a police officer, Peeping Tom,  
5 pointing a firearm, unlawful carry of a firearm, illegal transport  
6 of a firearm, discharging of a firearm, threatening an act of  
7 violence, breaking and entering a dwelling place, destruction of  
8 property, negligent homicide or causing a personal injury accident  
9 while driving under the influence of any intoxicating substance  
10 shall pay a DNA fee of One Hundred Fifty Dollars (\$150.00). This  
11 fee shall not be collected if the person has a valid DNA sample in  
12 the OSBI DNA Offender Database at the time of sentencing.

13 2. The court clerk shall cause to be deposited the amount of  
14 One Hundred Fifty Dollars (\$150.00) as collected for every felony  
15 arrest, felony conviction or every conviction for a misdemeanor  
16 offense of assault and battery, domestic abuse, stalking, possession  
17 of a controlled substance prohibited under Schedule IV of the  
18 Uniform Controlled Dangerous Substances Act, outraging public  
19 decency, resisting arrest, escaping or attempting to escape, eluding  
20 a police officer, Peeping Tom, pointing a firearm, unlawful carry of  
21 a firearm, illegal transport of a firearm, discharging of a firearm,  
22 threatening an act of violence, breaking and entering a dwelling  
23 place, destruction of property, negligent homicide or causing a  
24 personal injury accident while driving under the influence of any

1 intoxicating substance as described in this subsection. The court  
2 clerk shall remit the monies in said fund on a monthly basis  
3 directly to the ~~Oklahoma State Bureau of Investigation~~ OSBI who  
4 shall deposit the monies into the OSBI Revolving Fund provided for  
5 in Section 150.19a of Title 74 of the Oklahoma Statutes for services  
6 rendered or administered by the ~~Oklahoma State Bureau of~~  
7 ~~Investigation~~ OSBI.

8 3. The monies from the DNA sample fee deposited into the OSBI  
9 Revolving Fund shall be used for creating, staffing, and maintaining  
10 the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)  
11 Database.

12 I. It shall be the responsibility of the court clerk to account  
13 for and ensure the correctness and accuracy of payments made to the  
14 state agencies identified in Sections 1313.2 through 1313.4 of this  
15 title. Payments made directly to an agency by the court clerk as a  
16 result of different types of assessments and fees pursuant to  
17 Sections 1313.2 through 1313.4 of this title shall be made monthly  
18 to each state agency.

19 SECTION 2. AMENDATORY 63 O.S. 2011, Section 948, as  
20 amended by Section 17, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2016,  
21 Section 948), is amended to read as follows:

22 Section 948. A. The Office of the Chief Medical Examiner  
23 (OCME) shall store biological specimens in the control of the OCME  
24 for the potential purpose of independent analyses in matters of



1 civil law, only upon receipt of a written request for such storage  
2 and payment of a storage fee. The fee shall be paid by the person  
3 requesting storage to the Office of the Chief Medical Examiner. The  
4 Board shall promulgate rules establishing a fee for storage of such  
5 biological specimens which shall not exceed One Hundred Dollars  
6 (\$100.00) per year for a period of time not to exceed five (5)  
7 years. All fees collected pursuant to the provisions of this  
8 subsection shall be deposited to the credit of ~~the Office of the~~  
9 Chief Medical Examiner ~~Toxicology Laboratory~~ Revolving Fund.

10 B. 1. The Office of the Chief Medical Examiner (OCME) is  
11 authorized to perform drug screens on specimens in the custody of  
12 the OCME, provided the request is made by an agency or party  
13 authorized to receive such information. The OCME may limit drug  
14 screens within the technical and physical capabilities of the OCME.

15 2. The authorization for drug screens shall apply only to  
16 specimens from cases already within the jurisdiction of the OCME and  
17 only when the analyses are deemed by the Chief Medical Examiner or  
18 Deputy Chief Medical Examiner not to conflict with any investigation  
19 of the case by the state.

20 3. The Board of Medicolegal Investigations shall establish a  
21 fee for drug screen services by rule. All fees collected pursuant  
22 to the provisions of this subsection shall be deposited to the Chief  
23 Medical Examiner ~~Toxicology Laboratory~~ Revolving Fund.

24

1 SECTION 3. AMENDATORY 63 O.S. 2011, Section 954, as  
2 amended by Section 508, Chapter 304, O.S.L. 2012 (63 O.S. Supp.  
3 2016, Section 954), is amended to read as follows:

4 Section 954. A. The Board of Medicolegal Investigations is  
5 authorized to accept grants, gifts, fees or funds from persons,  
6 associations, corporations, or foundations for any purpose  
7 authorized by the Board.

8 B. There is hereby created in the State Treasury a revolving  
9 fund for the Office of the Chief Medical Examiner to be designated  
10 the "Chief Medical Examiner Revolving Fund". The fund shall be a  
11 continuing fund, not subject to fiscal year limitations, and shall  
12 consist of all moneys received from:

13 1. Laboratory analysis fees pursuant to the provisions of  
14 Section 1313.2 of Title 20 of the Oklahoma Statutes;

15 2. Grants, gifts, fees or funds from persons, associations,  
16 corporations or foundations pursuant to this section;

17 3. Document fees pursuant to the Oklahoma Open Records Act,  
18 Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes; ~~and~~

19 4. Specimen storage and drug screen service fees pursuant to  
20 the provisions of Section 948 of Title 63; and

21 5. Cremation, burial at sea or other recognized means of  
22 dissolution permit fees pursuant to Section 1-329.1 of this title.

23 All monies accruing to the credit of said fund are hereby  
24 appropriated and may be budgeted and expended by the Office of the

1 Chief Medical Examiner for the duties imposed upon the Board of  
2 Medicolegal Investigations by law. Expenditures from said fund  
3 shall be made upon warrants issued by the State Treasurer against  
4 claims filed as prescribed by law with the Director of the Office of  
5 Management and Enterprise Services for approval and payment.

6 SECTION 4. This act shall become effective July 1, 2017.

7 SECTION 5. It being immediately necessary for the preservation  
8 of the public peace, health or safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

11 Passed the Senate the 10th day of May, 2017.

12

13

\_\_\_\_\_  
Presiding Officer of the Senate

14

15 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
16 2017.

17

18

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

19

20

21

22

23

24