

ORDINANCE 2020-9AN ORDINANCE AMENDING TITLE III, CHAPTER 37, SECTION 37.33 OF THE  
CODE OF ORDINANCES OF THE CITY OF CLAREMORE, OKLAHOMA  
PERTAINING TO PENALTY ASSESSMENT FEES.

WHEREAS, the City of Claremore, pursuant to the powers delegated to it by the Oklahoma Constitution, Oklahoma Statutes and as a Charter City, has the authority to amend Title III, Chapter 37, Section 37.33 of the City Ordinances regarding Penalty Assessment Fees; and

THEREFORE, BE IT ORDAINED by the Council of the City of Claremore, Oklahoma, that:

SECTION 1. Section 37.33 of the Code of Ordinances of the City of Claremore is amended to read as follows: (all additions are italicized and underlined and all deletions are struck through)

(A) As used in this section, **CONVICTED** means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred or suspended sentence or judgment.

(B) (1) Any person convicted of an offense punishable by a fine of \$10 or more or by incarceration, excluding parking and standing violations, or any person forfeiting bond when charged with such an offense, shall be ordered by the court to pay:

(a) ~~\$9~~ \$10.00 as a separate penalty assessment in accordance with 20 O.S. § 1313.2:  
and

(b) ~~\$3~~ \$10.00 for the A.F.I.S. Fund in the state treasury in accordance with 20 O.S. § 1313.3; and

(c) \$10.00 for a Forensic Science improvement Assessment in accordance with 20 O.S. § 1313.4.

(C) Any person entering a plea of guilty or nolo contendere or is found guilty of the crime of misdemeanor possession of marijuana or drug paraphernalia shall be ordered by the court to pay a five dollar fee, which shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense in accordance to 20 O.S. § 1313.2 F.1.

(2) The fees shall be in addition to, and not in substitution for, any and all fines and penalties otherwise provided for by law for such offense. The court shall provide for separate bail for the penalty assessment and fees, provided that a defendant admitted to bail on an undertaking by a surety may include the amount of the penalty assessment in the undertaking.

(D) Upon conviction or bond forfeiture, the municipal court shall:

(1) Collect the penalty assessment and deposit it in an account created for that purpose. As an administrative fee for handling funds collected as a penalty assessment fee, the municipal court shall retain a flat rate of \$.08 per fee and may also retain all interest accrued thereon prior to the due date for deposits as provided in 20 O.S. § 1313.2;

(2) The A.F.I.S. fee shall be collected at the same time and in the same manner as the penalty assessment provided for in 20 O.S. §1313.2. The Clerk for the court shall retain \$0.08 of each fee collected, which shall be deposited in the General Revenue Fund by the court clerk. At such time as the indebtedness for the purchase of the automated fingerprint identification system equipment has been satisfied by the State Bureau of Investigation the \$3 fee provided for in division (B) shall be reduced to \$2 and the amount the Clerk for the court is authorized to retain from each fee collected shall be reduced to \$0.04. The Clerk for the court shall deposit the fee collected pursuant to this section in the account provided for in 20 O.S. § 1313.2, Subsection D, and shall forward the amounts imposed by this section and 20 O.S. § 1313.2 as a lump sum in one check or draft. The deposits required by this section shall be included in the total amount of money disclosed in the report required by 20 O.S. § 1313.2, but it shall not be required that the fee be listed as a separate item. The payments shall be made to the appropriate fund by the court clerk on a monthly basis as set forth by subsection H 20 O.S. § Section 1313.2.

(3) The Forensic Science Improvement Assessment shall be collected at the time and in the manner as the fees provided in 20 O.S. §1313.12 and 1313.3. The municipal court clerk is authorized to retain five percent (5%) of the assessment collected by each municipal court clerk pursuant to the provisions of 20 O.S. 1313.4. The deposit of funds collected pursuant to the provisions of this section shall be due and payable as required in subsection H of Section 1313.2.

**SECTION 2.** The City Clerk is hereby ordered and directed to cause this Ordinance to be published as required by law.

PASSED AND APPROVED IN REGULAR SESSION THIS 2nd DAY OF March, 2020.



Will DeMier, Deputy Mayor

Attest:



Sarah Sharp, City Clerk



CITY OF CLAREMORE  
CITY CLERK  
P.O. BOX 249  
CLAREMORE, OK 74018-0249