



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: O-1314-46

File ID: O-1314-46

Type: Ordinance

Status: Non-Consent Items

Version: 1

Reference: Item No. 35

In Control: City Council

Department: Municipal Court
Department

Cost:

File Created: 03/24/2014

File Name: Ordinance adding Technology Fee

Final Action:

Title: CONSIDERATION OF ORDINANCE NO. O-1314-46 UPON SECOND AND FINAL
READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN,
OKLAHOMA, AMENDING ARTICLE V OF CHAPTER 14 OF THE CODE OF THE CITY
OF NORMAN BY ADDING A PROVISION AUTHORIZING THE CLERK OF THE
MUNICIPAL COURT TO CHANGE AND COLLECT A TECHNOLOGY FEE; AND
PROVIDING FOR THE SEVERABILITY THEREOF.

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1314-46 upon Second Reading
section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1314-46 upon Final Reading as
a whole.

ACTION TAKEN: _____

Agenda Date: 05/13/2014

Agenda Number: 35

Attachments: Text File Technology Fee.pdf, O-1314-46 Technology
Fee Ordinance Clean.pdf, O-1314-46 Technology
Fee Ordinance Annotated.pdf

Project Manager: Ronda Guerrero, Municipal Court Clerk

Entered by: Ellen.Usry@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	04/22/2014	Introduced and adopted on First Reading by title only				Pass
Action Text: That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call							

Text of Legislative File O-1314-46

body

BACKGROUND: On March 19, 2014, City staff from the municipal court and the legal department presented a draft ordinance assessing a technology fee on municipal court convictions to the Finance Committee. After discussing the draft ordinance, the Finance Committee requested that the draft be forwarded for consideration

by the full City Council. At its Council Conference Meeting on April 9, 2014, Council advised it was ready to move forward with the draft, and thus Ordinance O-1314-46 is being presented to Council for first reading at its regularly scheduled meeting on April 22, 2014. The Ordinance is scheduled for second reading at the regularly scheduled meeting on May 13, 2014.

DISCUSSION: Prior to 2009, the statute that governs the fees and costs that may be imposed by a municipal court not of record, 11 O.S. § 27-126, stated:

Except as provided in Section 14-111 of this title and subject to other limitations or exceptions imposed by law, the municipal governing body shall determine by ordinance the **costs** that may be charged and collected by the clerk of the court, but these costs shall not exceed the sum of Twenty-five Dollars (\$25.00) plus the fees and mileage of jurors and witnesses. (Emphasis added).

This language permitted the governing body of a municipality to authorize the clerk of a municipal court not of record to charge and collect "costs" and limited the amount the governing body could authorize the clerk of the municipal court not of record to charge and collect to \$25.

In 2009, § 27-126 was amended. The statute now states:

Except as provided in Section 14-111 of this title and subject to other limitations or exceptions imposed by law, the municipal governing body shall determine by ordinance the **court costs and fees** that may be charged and collected by the clerk of the court. Court costs shall not exceed the sum of Thirty Dollars (\$30.00) plus the fees and mileage of jurors and witnesses. The clerk of the court is authorized to charge and collect the fees as determined by the municipal body. (Emphasis added).

This language permits the governing body of a municipality to authorize the clerk of a municipal court not of record to charge and collect "court costs and fees" and limits the amount of court costs governing body can authorize the clerk of the municipal court not of record can charge and collect to \$30. There is no limitation on the amount of fees that may be charged and collected. However, in *Nesbitt v. State*, 2011 OK CR 19, 255 P.3d 435, the Oklahoma Court of Criminal Appeals ruled that costs authorized by statute must be reasonable, uniform, and related to the services provided. The cost authorized by § 27-126 recognize that persons who violate the law should be required to pay some of the cost associated with administering the criminal justice system and permit the governing body of a municipality to pass on some of these costs to defendants.

After § 27-126 was amended, the governing bodies of a few Oklahoma municipalities enacted ordinances that permit the clerk of a municipal court not of record to charge and collect a technology fee to defray some of the technology costs associated with administration of the criminal justice system and the costs of prosecution. The amount of the fee ranges from \$5 to \$40. In FY 2013 (July 1, 2012 to June 30, 2013), 20,103 were disposed of by the City's municipal court. The attached comparison sheet shows what would have been charged during this time period if a \$5.00, \$25.00, or \$40.00 technology fee had been assessed.

Technology cost currently incurred by the City's municipal court include, but are not limited to:

Acquisition and maintenance of 15 desktop and 1 laptop computers.

Acquisition and maintenance of video arraignment equipment.

Acquisition, maintenance, and licensing of AutoCITE handheld computers and software used for parking citations.

Acquisition, maintenance, and licensing of court related software, e.g. IBM iSeries AS/400, OLETS, etc.

The Police and Legal Department also incur technology costs related to administration of the criminal justice system and the costs of prosecution. An ordinance that determines that the clerk of the City's municipal court may charge and collect a technology fee to be used for the acquisition, operation, maintenance, repair, and replacement of data processing equipment and software related to the administration of the criminal justice system and the costs of prosecution would help defray some of the technology costs set forth above. It is believed that \$25 charged and collected on every citation disposed of in the municipal court except citations for standing or parking or those that are voided, declined for prosecution, or dismissed without costs.