

ORDINANCE NO. 21-_____

AN ORDINANCE PERTAINING TO COLLECTION SERVICES FOR COURT PENALTIES, COSTS, FINES AND FEES CREATING SECTION 9-1-135, ARTICLE 9-1, CHAPTER 9, LAWTON CITY CODE, 2015, AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH A COLLECTION AGENCY FOR THE PROVISION OF COLLECTION SERVICES FOR COURT PENALTIES, COSTS, FINES AND FEES IN MUNICIPAL COURT IN WHICH THE ACCUSED HAS FAILED TO APPEAR OR OTHERWISE FAILED TO SATISFY A MONETARY OBLIGATION ORDERED BY THE COURT, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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

Section 1. Section 9-1-135 is hereby created to read as follows:

Section 9-1-135 - Collection services for court penalties, costs, fines and fees.

- A. Subject to the provisions of the City of Lawton Charter and Ordinances and Title 11 Oklahoma Statutes Section 22-138, the City Council shall be authorized to enter into a contract with a collection agency for the provision of collection services for court penalties, costs, fines and fees in cases in municipal court in which the accused has failed to appear or otherwise failed to satisfy a monetary obligation ordered by the court.
- B. Upon the City entering into a contract with a collection agency as authorized in subsection A of this section, the Municipal Court Clerk or the appropriate finance official of the City may refer unpaid court penalties, costs, fines and fees in cases in municipal court in which the accused has failed to appear or otherwise failed to satisfy a monetary obligation ordered by the court to the collection agency for collection.
- C. In addition to the total amount of the unpaid court penalties, costs, fines and fees owed to the City, the accused will be responsible for repayment of any contracted collection fee established from the City's contract with the collection agency in an amount not to exceed thirty-five percent (35%) of the total amount of unpaid court penalties, costs, fines and fees that have been referred by the City to the collection agency for collection.
- D. If the City enters into such a contract with a collection agency authorizing the collection fee, the Municipal Court shall order defendants to reimburse the fee arising pursuant to subsection C of this section and such court-ordered fee may be collected as provided by law for the collection of any other civil debt or criminal action.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 3. Effective Date. The provisions of this ordinance shall become effective 30 days after adoption.

ADOPTED and **APPROVED** by the Council of the City of Lawton, Oklahoma, this _____ day of September, 2021.

STANLEY BOOKER , MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

APPROVED as to form and legality this _____ day of September, 2021.

JOHN RATLIFF, CITY ATTORNEY