



IN RE REVISION OF PORTION OF THE RULES OF THE COURT OF CRIMINAL APPEALS

2023 OK CR 17

Case Number: CCAD-2023-2

Decided: 11/08/2023

IN RE REVISION OF PORTION OF THE RULES OF THE COURT OF CRIMINAL APPEALS

Cite as: 2023 OK CR 17, __ __

ORDER ADOPTING NEW FORMS

¶1 Pursuant to revisions made to Section 983 of Title 22 of the Oklahoma Statutes, we find that new forms should be adopted. Revision of the Rules of the Oklahoma Court of Criminal Appeals by the creation of new Forms 13.17a, 13.17b, 13.17c, 13.17d, 13.17e, 13.17f, and 13.17g is necessary. Therefore, pursuant to the provisions of Section 1051(B) of Title 22 of the Oklahoma Statutes, we promulgate the following new Forms as portions of the *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2023), as follows:

Form 13.17a Affidavit Regarding Ability to Pay

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA,
Plaintiff,

v.

_____,
Defendant.

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Case Nos.:

AFFIDAVIT REGARDING ABILITY TO PAY

[This affidavit and any supporting documents shall not be visible on a court-controlled website. 22 O.S. § 983(I).
If you need additional space on any questions, please use page 5 or attach additional pages.]

Do you receive (circle all that apply):

SNAP (food stamps)

WIC TANF SSI SSDI

Tribal Disability Veterans Disability Section 8 (Housing Choice Voucher)

Other housing assistance (be specific):

Other federal need-based support (be specific):

Proof is attached for the following programs:

INCOME

Do not list any disability or other government benefits listed above.

Number of adults in household: ____ Number of children that you support: ____

	Defendant	Adult 2	Adult 3	Adult 4
Relationship to you: (spouse, parent, etc.)	Yourself	_____	_____	_____
Income Amount:	_____	_____	_____	_____
Income source: (employment, gift, etc.)	_____	_____	_____	_____
How often? (week/month)	_____	_____	_____	_____
Do you support this person?	Yes	_____	_____	_____

If you support adults in your household, explain why you must support them:

Are you currently employed? Yes / No How long employed/unemployed? _____

Highest Grade/Degree completed: _____

In the past ten (10) years, what was your longest term of employment? (employer/job title/how long)

Are you currently still doing that type of work? Yes / No

If no, describe any barriers preventing you from going back to that type of work:

Do you have any physical or mental health conditions that make it difficult for you to work or manage your money? If yes, describe:

List any other reasons you would like the judge to know about why it is difficult for you to earn enough income to pay your fines/fees off:

EXPENSES

List your expenses. The Court may ask you to provide proof of these expenses, so bring proof with you to your cost hearing.

Expense:	Amount:	Last time late (or amount behind):	Expense:	Amount:	Last time late (or amount behind):
Rent/Mortgage	_____	_____		_____	_____
Utilities (Water/Phone/Power)	_____	_____		_____	_____
Car payment	_____	_____		_____	_____
Insurance	_____	_____		_____	_____
Child care/expenses	_____	_____		_____	_____
Medical Bills Insurance/Prescriptions	_____	_____		_____	_____

List any additional expenses:

Do you pay child support? Yes / No If so, how much per month? _____

Are you behind on child support? Yes / No If so, how much? _____

Do you have to pay any other expenses on these cases (restitution, DA fees, probation fees, drug test fees)? If yes, please describe.

When was the last time you had difficulty paying for food? What did you do?

When was the last time you had difficulty paying for housing? What did you do?

ASSETS

Do you own the following:

Your Home: Yes / No

Investments (stocks/bonds): Yes / No

Other land/homes: Yes / No

More than one vehicle: Yes / No

(Car, truck, motorcycle,
Boat, ATV, etc.)

The land your home is on: Yes / No

Vehicle: Yes / No (With Loan Yes / No)

Bank Accounts: Yes/No Value: _____

—

If you answered "Yes" to any of the answers in the box above, please describe this property:

List any additional expenses:

When was the last time you had to sell or pawn something to pay for an expense? Describe what happened.

OTHER INFORMATION

Is there a definite date when your financial situation will improve or worsen? (For example, you will start working on X date, your disability payments will start on X date, or you will lose your housing on X date.) If yes, please describe.

If someone can verify your financial situation, please attach a letter from that person. For example, a case manager at a shelter, a clergy member who provides you with assistance, etc.

I declare under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct to the best of my knowledge and belief.

Date: _____ Respectfully submitted,

Respectfully submitted,

Signature

Name

Address

Phone

Additional information:

Attached _____

Not Attached Phone

ADDITIONAL INFORMATION

Use this page if you need additional space to respond to any question. Attach additional pages if needed. Please indicate which section you are responding to (e.g. Benefits, Income, Expenses, Assets, Other).

Form 13.17b Summons for Court Financial Obligations (District)

IN THE DISTRICT COURT OF _____ COUNTY

STATE OF OKLAHOMA

STATE OF OKLAHOMA,

Plaintiff,

v.

_____,
Defendant.

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Case Nos.:

SUMMONS FOR COURT FINANCIAL OBLIGATIONS

To: _____ (Name)

Delivered in Person

Delivered by Mail

_____ (Address)

Hearing Date and Time: _____

Judge: _____

Courtroom: _____

Court Address: _____

Court Clerk Phone: _____

You are **ORDERED** to appear for a **COST HEARING** at the above specified time, place, and date to determine if you are financially able to pay the fines, costs, fees, or assessments or an installment due in the above cases.

YOU MUST BE PRESENT AT THE HEARING.

At any time before the date of the cost hearing, you may contact the court clerk and pay the amount due or request in writing or in person prior to the court date, that the hearing be rescheduled for up to thirty (30) days after the scheduled time.

THIS IS NOT AN ARREST WARRANT. However, if you fail to appear for the cost hearing or fail to pay the amount due, the court will issue a **WARRANT** and refer the case to a court cost compliance liaison which will cause an additional administrative fee of up to thirty percent (30%) to be added to the amount owed and may include additional costs imposed by the court.

Issued this _____ day of _____, 20__.

[Clerk Signature and Seal Block,
automated, similar to Jury Summons.]

You may consult with counsel prior to your hearing, and you may have counsel present at your hearing.

Form 13.17c Summons for Court Financial Obligations (Municipal)

**IN THE MUNICIPAL COURT OF THE CITY/TOWN OF _____
STATE OF OKLAHOMA**

THE CITY/TOWN OF _____)

Plaintiff,)

v.)

_____,)

Defendant.)

Case Nos.:

SUMMONS FOR COURT FINANCIAL OBLIGATIONS

To: _____ (Name)

Delivered in Person

Delivered by Mail

_____ (Address)

Hearing Date and Time: _____

Judge: _____

Courtroom: _____

Court Address: _____

Court Clerk Phone: _____

You are **ORDERED** to appear for a **COST HEARING** at the above specified time, place, and date to determine if you are financially able to pay the fines, costs, fees, or assessments or an installment due in the above cases.

YOU MUST BE PRESENT AT THE HEARING.

At any time before the date of the cost hearing, you may contact the court clerk and pay the amount due or request in writing or in person prior to the court date, that the hearing be rescheduled for up to thirty (30) days after the scheduled time.

THIS IS NOT AN ARREST WARRANT. However, if you fail to appear for the cost hearing or fail to pay the amount due, the court will issue a **WARRANT** and refer the case to a court cost compliance liaison which will cause an additional administrative fee of up to thirty-five percent (35%) to be added to the amount owed and may include additional costs imposed by the court.

Issued this _____ day of _____, 20__.

[Clerk Signature and Seal Block,
automated, similar to Jury Summons.]

You may consult with counsel prior to your hearing, and you may have counsel present at your hearing.

Form 13.17d Cost Arrest Warrant (District)

**IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA**

**STATE OF OKLAHOMA,
Plaintiff,**

v.

Defendant.

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Case Nos.:

COST ARREST WARRANT

THE STATE OF OKLAHOMA TO LAW ENFORCEMENT OFFICER WITHIN THE STATE OF OKLAHOMA:

You are **COMMANDED** to arrest:

Defendant: _____ SSN: XXX-XX-____ Sex: _____ Hair: _____

Address: _____ DOB: __/__/____ Eyes: _____ Weight: _____

_____ Height: _____

and bring him/her before the Court or if the court is adjourned or is not in session, that you retain him/her in your custody or deliver him/her to the lawful custodian of inmates of the _____ County Jail subject to further order of the Court.

ATTENTION BOOKING DEPARTMENT:

The Defendant may also be released upon payment of One Hundred Dollars (\$100) remitted to the Court Clerk of _____ County towards his/her Court Financial Obligations and obtaining a new cost hearing date from said Clerk.

The Defendant is entitled to a cost hearing or willfulness hearing before the Court within seventy-two (72) hours of arrest. If the Defendant remains in your custody after seventy-two (72) hours from the time of arrest without appearance before the Court for a cost hearing or willfulness hearing, you are directed to contact the _____ County Court Clerk to obtain a cost hearing date for the Defendant, provide the Defendant with this information, and release the Defendant on his/her own recognizance.

Given under my hand this ____ day of _____, 20__.

By Order of the Court:

The Clerk shall refer this case to the cost compliance program.

By: _____

Judge of the District Court

OFFICER'S RETURN OF SERVICE

Received this ____ day of _____, 20__, at ____ o'clock __.M. and served the same by taking the above named person into custody on the _____ day of _____, 20__, and delivering the person to the judge named.

Serving Warrant:\$_____

_____, Sheriff

Copy: \$_____

_____, County, Oklahoma

Mileage: \$_____

By: _____, Deputy

(_____ Miles @ ____ per mile)

Total: \$_____

WARRANT NUMBER:

Form 13.17e Cost Arrest Warrant (Municipal)

IN THE MUNICIPAL COURT OF THE CITY/TOWN OF _____

STATE OF OKLAHOMA

THE CITY/TOWN OF _____)

Case Nos.:

Plaintiff,)

v.)

_____,)

Defendant.)

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COST ARREST WARRANT

[This warrant may be served at any place within the State of Oklahoma. 11 O.S. § 27-113.]

THE CITY/TOWN OF _____ TO ANY LAW ENFORCEMENT OFFICER WITHIN THE STATE OF OKLAHOMA:

You are **COMMANDED** to arrest:

Defendant: _____ SSN: XXX-XX-____ Sex: _____ Hair: _____

Address: _____ DOB: __/__/____ Eyes: _____ Weight: _____

_____ Height: _____

and bring him/her before the Court or if the court is adjourned or is not in session, that you retain him/her in your custody or deliver him/her to the lawful custodian of inmates of the _____ Jail subject to further order of the Court.

ATTENTION BOOKING DEPARTMENT:

The Defendant may be released upon payment of One Hundred Dollars (\$100) remitted to the Court Clerk of the City/Town of _____ towards his/her Court Financial Obligations and obtaining a new cost hearing date from said Clerk.

The Defendant is entitled to a cost hearing or willfulness hearing before the Court within seventy-two (72) hours of arrest. If the Defendant remains in your custody after seventy-two (72) hours from the time of arrest without appearance before the Court for a cost hearing or willfulness hearing, you are directed to contact the Court Clerk of the City/Town of _____ to obtain a cost hearing date for the Defendant, provide the Defendant with this information, and release the Defendant on his/her own recognizance.

Given under my hand this _____ day of _____, 20____.

By Order of the Court:

The Clerk shall refer this case to the cost compliance program.

By: _____

Judge of the Municipal Court

OFFICER'S RETURN OF SERVICE

Received this ___ day of _____, 20__, at ___ o'clock __.M. and served the same by taking the above named person into custody on the _____ day of _____, 20__, and delivering the person to the judge named.

Serving Warrant: \$ _____

_____, Sheriff

Copy: \$ _____

_____, County,

Mileage: \$ _____

Oklahoma

(_____ Miles @ _____ per mile)

By: _____, Deputy

Total: \$ _____

WARRANT NUMBER:

Form 13.17f Cost Cite and Release Warrant (District)

IN THE DISTRICT COURT OF _____ COUNTY

STATE OF OKLAHOMA

STATE OF OKLAHOMA,

Plaintiff,

v.

_____,
Defendant.

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Case Nos.:

COST CITE AND RELEASE WARRANT

[No fees shall accrue to Defendant due to the issuance or service of this warrant. 22 O.S. § 983(C)(4)]

TO ANY LAW ENFORCEMENT OFFICER WITHIN THE STATE OF OKLAHOMA:

Upon encountering:

Defendant: _____ SSN: XXX-XX-____ Sex: _____ Hair: _____

Address: _____ DOB: __/__/____ Eyes: _____ Weight: _____

_____ Height: _____

You are **COMMANDED** to issue to the Defendant a Warning/Notice to have Defendant appear before the Court Clerk of _____ County for the purposes of setting cost hearing within ten (10) days of the issuance of the Warning/Notice. You **SHALL NOT ARREST** the Defendant based on this warrant. However, this does not prevent you from arresting the

Defendant based on another warrant, or upon probable cause. If you arrest the Defendant based on another warrant or upon probable cause, the Warning/Notice shall provide ten (10) days to report to the Court Clerk of _____ County upon Defendant's release from custody.

If the Defendant shows you proof of another Warning/Notice issued for this warrant in the previous ten (10) days, you **SHALL NOT** issue an additional Warning/Notice.

Given under my hand this ____ day of _____, 20__.

By Order of the Court:

The Clerk shall refer this case to the cost compliance program.

By: _____

Judge of the District Court

OFFICER'S RETURN OF SERVICE

[If the Officer electronically transmits to the relevant Court Clerk a Warning/Notice issued based on the above warrant, the Officer is excused from completing this return of service.]

On the ____ day of _____, 20__, I issued a Warning/Notice to the above-named Defendant, directing him/her to report to the Court Clerk of _____ County within ten (10) days. A copy of the Warning/Notice is attached. I returned this warrant and warning/notice to the appropriate person within my agency on the ____ day of _____, 20__, for transmission to the appropriate Court Clerk. [within 5 days]

_____, Law Enforcement Agency

By: _____, Law Enforcement Officer

WARRANT NUMBER:

Form 13.17g Cost Cite and Release Warrant (Municipal)

IN THE MUNICIPAL COURT OF THE CITY OF _____

STATE OF OKLAHOMA

THE CITY/TOWN OF _____)

Case Nos.:

Plaintiff,)

v.)

_____,)

Defendant.)

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COST CITE AND RELEASE WARRANT

[No fees shall accrue to Defendant due to the issuance or service of this warrant. 22 O.S. § 983(C)(4)]

TO ANY LAW ENFORCEMENT OFFICER WITHIN THE STATE OF OKLAHOMA:

Upon encountering:

Defendant: _____ SSN: XXX-XX-____ Sex: _____ Hair: _____

Address: _____ DOB: __/__/____ Eyes: _____ Weight: _____

_____ Height: _____

You are **COMMANDED** to issue to the Defendant a Warning/Notice to have Defendant appear before the Court Clerk of the City/Town of _____ for the purposes of setting cost hearing within ten (10) days of the issuance of the Warning/Notice. You **SHALL NOT ARREST** the Defendant based on this warrant. However, this does not prevent you from arresting the Defendant based on another warrant, or upon probable cause. If you arrest the Defendant based on another warrant or upon probable cause, the Warning/Notice shall provide ten (10) days to report to the Court Clerk of the City/Town of _____ upon Defendant's release from custody.

If the Defendant shows you proof of another Warning/Notice issued for this warrant in the previous ten (10) days, you **SHALL NOT** issue an additional Warning/Notice.

Given under my hand this _____ day of _____, 20____.

By Order of the Court:

Optional: [] Refer to cost compliance program.

By: _____

Judge of the Municipal Court

OFFICER'S RETURN OF SERVICE

[If the Officer electronically transmits to the relevant Court Clerk a Warning/Notice issued based on the above warrant, the Officer is excused from completing this return of service.]

On the ____ day of _____, 20____, I issued a Warning/Notice to the above-named Defendant, directing him/her to report to the Court Clerk of the City/Town of _____ within ten (10) days. A copy of the Warning/Notice is attached. I returned this warrant and warning/notice to the appropriate person within my agency on the ____ day of _____, 20____, for transmission to the appropriate Court Clerk. [within 5 days]

_____, Law Enforcement Agency

By: _____, Law Enforcement Officer

WARRANT NUMBER:

¶2 IT IS SO ORDERED.

¶3 WITNESS OUR HANDS AND THE SEAL OF THIS COURT this 8th day of November, 2023.

/S/SCOTT ROWLAND, Presiding Judge

/S/ROBERT L. HUDSON, Vice Presiding Judge

/S/GARY L. LUMPKIN, Judge

/S/DAVID B. LEWIS, Judge

/S/WILLIAM J. MUSSEMAN, Judge

ATTEST:

/s/John D. Hadden

Clerk

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