

subject to restitution, and the court erred in imposing costs of incarceration without first inquiring whether doing so would impose an undue hardship on Appellant.

After a thorough consideration of this proposition and the entire record before us, including the original record, transcripts and briefs of the parties, we have determined that reversal (of the restitution order) is required under the facts and the law.

We find that 22 O.S.Supp.1998, § 991a(A)(1)(a) does not authorize a restitution order compelling Appellant to pay his own medical expenses in the absence of evidence that they were a charge against the county.

We find that assessment of incarceration costs are provided for in 22 O.S.Supp.1996, § 979a and any inability to pay incarceration costs may be addressed as and at the same time as any inability to pay restitution. *Honeycutt v. State*, 1992 OK CR 36, 834 P.2d 993; Rule 8.3, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. (1999).

DECISION

This case is **REMANDED** for a hearing and proper order concerning restitution and incarceration costs.

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OPINION BY: LILE, J.

STRUBHAR, P.J.: CONCURS
LUMPKIN, V.P.J.: CONCURS IN RESULTS
JOHNSON, J.: CONCURS
CHAPEL, J.: CONCURS

RB