

SHORT TITLE: Fees; increasing filing fees for certain civil actions; requiring deposit of certain monies in certain fund; effective date.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 426

By: Stipe

AS INTRODUCED

An Act relating to court fees; amending 28 O.S. 1991, Section 152, which relates to filing fees for civil actions; increasing fees; requiring deposit of certain monies in certain fund; declaring intent for use of monies; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 28 O.S. 1991, Section 152, is amended to read as follows:

Section 152. A. In any civil case filed in district court, the court clerk shall collect, at the time of filing, the following flat fees, none of which shall ever be refundable, and which shall be the only charge for court costs, except as is otherwise specifically provided for by law:

1. Actions for divorce, alimony without divorce, separate maintenance, custody, or support ~~\$62.00~~ \$67.00
2. Any ancillary proceeding to modify or vacate divorce decree or prior order providing for custody or support ~~\$30.00~~ \$35.00
3. Probate and guardianship ..... ~~\$62.00~~ \$67.00
4. Annual guardianship report ..... ~~\$20.00~~ \$25.00
5. Any proceeding for sale or lease of real or personal property or mineral interest in probate or guardianship ~~\$30.00~~ \$35.00

- 6. Any proceeding to revoke the probate of a will  ~~\$30.00~~  
 \$35.00
- 7. Judicial determination of death .....  ~~\$35.00~~  \$40.00
- 8. Adoption .....  ~~\$62.00~~  \$67.00
- 9. Civil actions and condemnation .....  ~~\$62.00~~  \$67.00
- 10. Garnishment .....  ~~\$10.00~~  \$15.00
- 11. Continuing wage garnishment .....  ~~\$50.00~~  \$55.00
- 12. Any other proceeding after judgment .....  ~~\$20.00~~  \$25.00
- 13. All others, including but not limited to actions for forcible entry and detainer, judgments from all other courts, including the Workers' Compensation Court  ~~\$62.00~~  
 \$67.00

B. Of the amount collected pursuant to subsection A of this section, the sum of Three Dollars (\$3.00) shall be deposited to the credit of the county Law Library Fund pursuant to Section 1201 et seq. of Title 20 of the Oklahoma Statutes.

C. Of the amount collected pursuant to subsection A of this section, the sum of Five Dollars (\$5.00) shall be deposited with the State Treasurer for deposit in the Law Library Fines Revolving Fund. It is the intent of the Legislature that the funds shall be allocated by the Oklahoma State Regents for Higher Education to the Education and General Operations Revolving Fund of the University of Oklahoma for use by the Board of Regents of the University of Oklahoma for the benefit of the University of Oklahoma College of Law.

~~C.~~ D. In any case ~~where~~ in which the litigant claims he or she has a just cause of action, and that, by reason of poverty, ~~he~~ is unable to pay the fees and costs provided for in this section and financially unable to employ counsel, upon the filing of an affidavit in forma pauperis executed before any officer authorized by law to administer oaths by ~~such~~ a litigant in ~~such~~ an action to that effect and upon satisfactory showing to the court that ~~said~~ the

litigant has no means and is, therefore, unable to pay the applicable fees and costs and to employ counsel, no fees or costs shall be required. The opposing party or parties may in any event file with the court clerk of the court having jurisdiction of the cause an affidavit similarly executed contradicting the allegation of ~~such~~ poverty. In all ~~such~~ cases, the court shall promptly set for hearing the determination of the eligibility of the original affiant to litigate without payment of fees or costs. Until a final order determining the ineligibility of ~~such~~ the affiant has been entered, the clerk shall permit ~~such~~ the affiant to litigate without payment for fees or costs. Any litigant executing a false affidavit or counter affidavit pursuant to the provisions of this section shall be guilty of perjury.

SECTION 2. This act shall become effective November 1, 1995.

45-1-0314

KSM