

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL 1282

By: Duncan, Johnson (Dennis),  
Brannon and Smithson of the  
House

6 and

7 Lerblance of the Senate

8  
9  
10 COMMITTEE SUBSTITUTE

11 [ fees - Office of the Attorney General Victim  
12 Services Unit - Child Abuse Multidisciplinary Account  
- effective date ]

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14  
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 28 O.S. 2001, Section 152, as last  
17 amended by Section 4, Chapter 192, O.S.L. 2005 (28 O.S. Supp. 2006,  
18 Section 152), is amended to read as follows:

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

1	1. Actions for divorce, alimony without	
2	divorce, separate maintenance, custody or	
3	support.....	\$140.00
4	2. Any ancillary proceeding to modify or	
5	vacate a divorce decree providing for	
6	custody or support.....	\$40.00
7	3. Probate and guardianship.....	\$132.00
8	4. Annual guardianship report.....	\$30.00
9	5. Any proceeding for sale or lease of real or	
10	personal property or mineral interest in	
11	probate or guardianship.....	\$40.00
12	6. Any proceeding to revoke the probate of a	
13	will.....	\$40.00
14	7. Judicial determination of death.....	\$55.00
15	8. Adoption.....	\$102.00
16	9. Civil actions for an amount of Ten Thousand	
17	Dollars (\$10,000.00) or less and	
18	condemnation.....	\$147.00
19	10. Civil actions for an amount of Ten Thousand	
20	One Dollars (\$10,001.00) or more .....	\$160.00
21	11. Garnishment.....	\$20.00
22	12. Continuing wage garnishment.....	\$60.00
23	13. Any other proceeding after judgment.....	\$30.00
24		

- 1 14. All others, including but not limited to  
2 actions for forcible entry and detainer,  
3 judgments from all other courts, including  
4 the Workers' Compensation Court.....\$82.00  
5 15. Notice of renewal of judgment.....\$20.00

6 B. In addition to the amounts collected pursuant to paragraphs  
7 1, 3, 7, 8, 9, 10 and 14 of subsection A of this section, the sum of  
8 Six Dollars (\$6.00) shall be assessed and credited to the Law  
9 Library Fund.

10 C. In addition to the amounts collected pursuant to subsections  
11 A and B of this section, the sum of ~~Ten Dollars (\$10.00)~~ Twenty-five  
12 Dollars (\$25.00) shall be assessed and credited to the Oklahoma  
13 Court Information System Revolving Fund created pursuant to Section  
14 1315 of Title 20 of the Oklahoma Statutes.

15 D. Of the amounts collected pursuant to paragraph 8 of  
16 subsection A of this section, the sum of Twenty Dollars (\$20.00)  
17 shall be deposited to the credit of the Voluntary Registry and  
18 Confidential Intermediary program and the Mutual Consent Voluntary  
19 Registry established pursuant to the Oklahoma Adoption Code.

20 E. Of the amounts collected pursuant to subsection A of this  
21 section, the sum of Ten Dollars (\$10.00) shall be deposited to the  
22 credit of the Child Abuse Multidisciplinary Account.

23 F. In addition to the amounts collected pursuant to subsections  
24 A and B of this section, the sum of Three Dollars (\$3.00) shall be

1 assessed and credited to the Office of the Attorney General Victim  
2 Services Unit.

3       G. In any case in which a litigant claims to have a just cause  
4 of action and that, by reason of poverty, the litigant is unable to  
5 pay the fees and costs provided for in this section and is  
6 financially unable to employ counsel, upon the filing of an  
7 affidavit in forma pauperis executed before any officer authorized  
8 by law to administer oaths to that effect and upon satisfactory  
9 showing to the court that the litigant has no means and is,  
10 therefore, unable to pay the applicable fees and costs and to employ  
11 counsel, no fees or costs shall be required. The opposing party or  
12 parties may file with the court clerk of the court having  
13 jurisdiction of the cause an affidavit similarly executed  
14 contradicting the allegation of poverty. In all such cases, the  
15 court shall promptly set for hearing the determination of  
16 eligibility to litigate without payment of fees or costs. Until a  
17 final order is entered determining that the affiant is ineligible,  
18 the clerk shall permit the affiant to litigate without payment of  
19 fees or costs. Any litigant executing a false affidavit or counter  
20 affidavit pursuant to the provisions of this section shall be guilty  
21 of perjury.

22       SECTION 2.       AMENDATORY       28 O.S. 2001, Section 153, as last  
23 amended by Section 18 of Enrolled House Bill No. 2195 of the 1st  
24

1 Session of the 51st Oklahoma Legislature, is amended to read as  
2 follows:

3 Section 153. A. The clerks of the courts shall collect as  
4 costs in every criminal case for each offense of which the defendant  
5 is convicted, irrespective of whether or not the sentence is  
6 deferred, the following flat charges and no more, except for  
7 standing and parking violations and for charges otherwise provided  
8 for by law, which fee shall cover docketing of the case, filing of  
9 all papers, issuance of process, warrants, orders, and other  
10 services to the date of judgment:

11 1. For each defendant convicted of  
12 exceeding the speed limit by at least  
13 one (1) mile per hour but not more  
14 than ten (10) miles per hour, whether  
15 charged individually or conjointly  
16 with others.....\$77.00

17 2. For each defendant convicted of a  
18 misdemeanor traffic violation other  
19 than an offense provided for in  
20 paragraph 1 or 5 of this subsection,  
21 whether charged individually or  
22 conjointly with others.....\$98.00

23 3. For each defendant convicted of a  
24 misdemeanor, other than for driving

- 1 under the influence of alcohol or  
2 other intoxicating substance or an  
3 offense provided for in paragraph 1 or  
4 2 of this subsection, whether charged  
5 individually or conjointly with others.....\$93.00
- 6 4. For each defendant convicted of a  
7 felony, other than for driving under  
8 the influence of alcohol or other  
9 intoxicating substance, whether  
10 charged individually or conjointly  
11 with others.....\$103.00
- 12 5. For each defendant convicted of the  
13 misdemeanor of driving under the  
14 influence of alcohol or other  
15 intoxicating substance, whether charged  
16 individually or conjointly with others..... \$433.00
- 17 6. For each defendant convicted of the  
18 felony of driving under the influence  
19 of alcohol or other intoxicating  
20 substance, whether charged  
21 individually or conjointly with others.....\$433.00
- 22 7. For the services of a court reporter at  
23 each preliminary hearing and trial  
24 held in the case.....\$20.00

1 8. For each time a jury is requested..... \$30.00

2 9. A sheriff's fee for serving or  
3 endeavoring to serve each writ,  
4 warrant, order, process, command, or  
5 notice or pursuing any fugitive from  
6 justice

7 a. within the county..... \$50.00, or  
8 mileage as  
9 established by the  
10 Oklahoma Statutes,  
11 whichever is  
12 greater, or

13 b. outside of the county..... \$50.00, or  
14 actual, necessary  
15 expenses, whichever  
16 is greater

17 10. For the services of a language interpreter, other than an  
18 interpreter appointed pursuant to the provisions of the Oklahoma  
19 Interpreter for the Deaf Act, at each hearing held in the case, the  
20 actual cost of the interpreter.

21 B. In addition to the amount collected pursuant to paragraphs 2  
22 through 6 of subsection A of this section, the sum of Six Dollars  
23 (\$6.00) shall be assessed and credited to the Law Library Fund

24

1 pursuant to Section 1201 et seq. of Title 20 of the Oklahoma  
2 Statutes.

3 C. In addition to the amount collected pursuant to subsection A  
4 of this section, the sum of Ten Dollars (\$10.00) shall be assessed  
5 and collected in every traffic case for each offense other than for  
6 driving under the influence of alcohol or other intoxicating  
7 substance; the sum of Fifteen Dollars (\$15.00) shall be assessed and  
8 collected in every misdemeanor case for each offense; the sum of  
9 Fifteen Dollars (\$15.00) shall be assessed and collected in every  
10 misdemeanor case for each offense for driving under the influence of  
11 alcohol or other intoxicating substance; the sum of Twenty-five  
12 Dollars (\$25.00) shall be assessed and collected in every felony  
13 case for each offense; and the sum of Twenty-five Dollars (\$25.00)  
14 shall be assessed and collected in every felony case for each  
15 offense for driving under the influence of alcohol or other  
16 intoxicating substance.

17 D. In addition to the amounts collected pursuant to subsections  
18 A and B of this section, the sum of ~~Ten Dollars (\$10.00)~~ Twenty-five  
19 Dollars (\$25.00) shall be assessed and credited to the Oklahoma  
20 Court Information System Revolving Fund created pursuant to Section  
21 1315 of Title 20 of the Oklahoma Statutes.

22 E. In addition to the amount collected pursuant to paragraphs 1  
23 through 6 of subsection A of this section, the sum of Ten Dollars  
24 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee

1 Account in the county in which the conviction occurred for the  
2 purpose of enhancing existing or providing additional courthouse  
3 security.

4 F. In addition to the amounts collected pursuant to paragraphs  
5 1 through 6 of subsection A of this section, the sum of Three  
6 Dollars (\$3.00) shall be assessed and credited to the Office of the  
7 Attorney General Victim Services Unit.

8 G. In addition to the amounts collected pursuant to paragraphs  
9 1 through 6 of subsection A of this section, the sum of Three  
10 Dollars (\$3.00) shall be assessed and credited to the Child Abuse  
11 Multidisciplinary Account.

12 H. Prior to conviction, parties in criminal cases shall not be  
13 required to pay, advance, or post security for the services of a  
14 language interpreter or for the issuance or service of process to  
15 obtain compulsory attendance of witnesses.

16 ~~G.~~ I. The fees collected pursuant to this section shall be  
17 deposited into the court fund, except the following:

18 1. A court clerk issuing a misdemeanor warrant is entitled to  
19 ten percent (10%) of the sheriff's service fee, provided for in  
20 paragraph 9 of subsection A of this section, collected on a warrant  
21 referred to the contractor for the misdemeanor warrant notification  
22 program governed by Sections 514.4 and 514.5 of Title 19 of the  
23 Oklahoma Statutes. This ten-percent sum shall be deposited into the  
24 issuing Court Clerk's Revolving Fund, created pursuant to Section

1 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing  
2 the warrant with the balance of the sheriff's service fee to be  
3 deposited into the Sheriff's Service Fee Account, created pursuant  
4 to the provisions of Section 514.1 of Title 19 of the Oklahoma  
5 Statutes, of the sheriff in the county in which service is made or  
6 attempted. Otherwise, the sheriff's service fee, when collected,  
7 shall be deposited in its entirety into the Sheriff's Service Fee  
8 Account of the sheriff in the county in which service is made or  
9 attempted;

10 2. The sheriff's fee provided for in Section 153.2 of this  
11 title;

12 3. The witness fees paid by the district attorney pursuant to  
13 the provisions of Section 82 of this title which, if collected by  
14 the court clerk, shall be transferred to the district attorney's  
15 office in the county where witness attendance was required. Fees  
16 transferred pursuant to this paragraph shall be deposited in the  
17 district attorney's maintenance and operating expense account;

18 4. The fees provided for in subsection C of this section shall  
19 be forwarded to the District Attorneys Council Revolving Fund to  
20 defray the costs of prosecution; and

21 5. The following amounts of the fees provided for in paragraphs  
22 2, 3, 5 and 6 of subsection A of this section, when collected, shall  
23 be deposited in the Trauma Care Assistance Revolving Fund, created  
24

1 pursuant to the provisions of Section 1-2530.9 of Title 63 of the  
2 Oklahoma Statutes:

3 a. Ten Dollars (\$10.00) of the Ninety-eight-Dollar fee  
4 provided for in paragraph 2 of subsection A of this  
5 section,

6 b. Ten Dollars (\$10.00) of the Ninety-three-Dollar fee  
7 provided for in paragraph 3 of subsection A of this  
8 section,

9 c. One Hundred Dollars (\$100.00) of the Four-Hundred-  
10 Thirty-three-Dollar fee provided for in paragraph 5 of  
11 subsection A of this section, and

12 d. One Hundred Dollars (\$100.00) of the Four-Hundred-  
13 Thirty-three-Dollar fee provided for in paragraph 6 of  
14 subsection A of this section.

15 ~~H.~~ J. Costs required to be collected pursuant to this section  
16 shall not be dismissed or waived; provided, if the court determines  
17 that a person needing the services of a language interpreter is  
18 indigent, the court may waive all or part of the costs or require  
19 the payment of costs in installments.

20 ~~I.~~ K. As used in this section, "convicted" means any final  
21 adjudication of guilt, whether pursuant to a plea of guilty or nolo  
22 contendere or otherwise, and any deferred judgment or suspended  
23 sentence.

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1        ~~J.~~ L. A court clerk may accept in payment for any fee, fine, or  
2 cost for violation of any traffic law a nationally recognized credit  
3 card or debit card issued to the applicant. The court clerk shall  
4 publicly post and collect a fee for the acceptance of the nationally  
5 recognized credit or debit card. The court fee shall be set by the  
6 Supreme Court of Oklahoma each time a fee schedule is promulgated by  
7 the Supreme Court of Oklahoma, not to exceed five percent (5%) of  
8 the amount of the payment. Any other costs or maintenance fees  
9 accrued for accepting or using credit or debit cards may be paid  
10 from the court fund. For purposes of this paragraph, "nationally  
11 recognized credit card" means any instrument or device, whether  
12 known as a credit card, credit plate, charge plate, or by any other  
13 name, issued with or without fee by an issuer for the use of the  
14 cardholder in obtaining goods, services, or anything else of value  
15 and which is accepted by over one thousand (1,000) merchants in this  
16 state. "Debit card" means an identification card or device issued  
17 to a person by a business organization which permits such person to  
18 obtain access to or activate a consumer banking electronic facility.  
19 The court clerk shall determine which nationally recognized credit  
20 cards will be accepted as payment for fees; provided, the court  
21 clerk must ensure that no loss of state revenue will occur by the  
22 use of such cards.

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1       ~~K.~~ M. Upon receipt of payment of fines and costs for offenses  
2 charged prior to July 1, 1992, the court clerk shall apportion and  
3 pay Thirteen Dollars (\$13.00) per conviction to the court fund.

4       SECTION 3. This act shall become effective November 1, 2007.

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