

1 ENGROSSED HOUSE  
2 BILL NO. 2050

By: Sherrer and McDaniel  
(Jeannie) of the House

3 and

4 Burrage of the Senate  
5  
6  
7

8 An Act relating to court procedure; creating the  
9 Oklahoma District Court Improvement Act; providing  
10 short title; amending 28 O.S. 2001, Section 86, as  
11 amended by Section 2, Chapter 525, O.S.L. 2004 (28  
12 O.S. Supp. 2006, Section 86), which relates to fees  
13 paid to jurors; modifying persons required to pay fee  
14 to the Lengthy Trial Fund; modifying purposes for the  
15 Lengthy Trial Fund; modifying exemptions from payment  
16 of fee to the Lengthy Trial Fund; amending 28 O.S.  
17 2001, Sections 151, as amended by Section 3, Chapter  
18 192, O.S.L. 2005 and 153, as last amended by Section  
19 18 of Enrolled House Bill No. 2195 of the 1st Session  
20 of the 51st Oklahoma Legislature (28 O.S. Supp. 2006,  
21 Section 151), which relate to collection of certain  
22 fees; modifying procedures for use of credit or debit  
23 cards; prohibiting collection of certain fees;  
24 authorizing the Administrative Office of the Courts  
to negotiate certain contracts; amending 38 O.S.  
2001, Sections 18, as last amended by Section 1,  
Chapter 234, O.S.L. 2003, 20.1 and 28, as last  
amended by Section 42, Chapter 1, O.S.L. 2005 (38  
O.S. Supp. 2006, Sections 18 and 28), which relate to  
jury service; expanding sources for ascertaining  
names of persons qualified for jury service;  
modifying oath; modifying mandatory exemption from  
jury service; modifying discretionary exceptions from  
jury service; eliminating permanent exclusion from  
jury service; modifying list of persons who are not  
qualified to serve as jurors; amending 68 O.S. 2001,  
Section 205, as last amended by Section 1, Chapter  
281, O.S.L. 2006 (68 O.S. Supp. 2006, Section 205),  
which relates to confidential records and files of  
the Oklahoma Tax Commission; expanding exceptions;

1 providing for noncodification; providing an effective  
2 date; and declaring an emergency.

3  
4  
5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

6 SECTION 1. NEW LAW A new section of law not to be  
7 codified in the Oklahoma Statutes reads as follows:

8 This act shall be known and may be cited as the "Oklahoma  
9 District Court Improvement Act".

10 SECTION 2. AMENDATORY 28 O.S. 2001, Section 86, as  
11 amended by Section 2, Chapter 525, O.S.L. 2004 (28 O.S. Supp. 2006,  
12 Section 86), is amended to read as follows:

13 Section 86. A. Jurors, whether serving on a petit or grand  
14 jury, shall be paid the following fees out of the local court fund:

15 1. For each day's attendance before any court of record, Twenty  
16 Dollars (\$20.00); and

17 2. For mileage going to and returning from jury service each  
18 day, pursuant to the provisions of the State Travel Reimbursement  
19 Act.

20 B. The Court Fund Board of the district court may contract for  
21 or provide reimbursement for parking for district court jurors to be  
22 paid from the Court Fund. Parking so provided to jurors shall be in  
23 lieu of any reimbursement to jurors for parking fees.

1 C. The provisions of this section shall not apply to any person  
2 who is summoned for jury duty and who is excused from serving  
3 pursuant to the provisions of subsection A of Section 28 of Title 38  
4 of the Oklahoma Statutes, beginning on the day the person is excused  
5 from service.

6 D. The Supreme Court shall promulgate rules to establish a  
7 Lengthy Trial Fund that shall be used to provide full or partial  
8 wage replacement or wage supplementation to jurors who serve as  
9 petit jurors for more than ten (10) days.

10 1. The court rules shall provide for the selection and  
11 appointment of an Administrator for the fund; procedures for the  
12 administration of the fund, including payments of salaries of the  
13 Administrator and other necessary personnel; procedures for the  
14 accounting, auditing and investment of money in the Lengthy Trial  
15 Fund; and a report by the Supreme Court on the administration of the  
16 Lengthy Trial Fund included in its annual report on the judicial  
17 branch, setting forth the money collected for and disbursed from the  
18 fund.

19 2. The clerk of the court shall collect from each ~~attorney~~  
20 person who files a civil case, unless otherwise exempted under the  
21 provisions of this section, a fee of Ten Dollars (\$10.00) per case  
22 to be paid into the Lengthy Trial Fund. A ~~lawyer~~ person will be  
23 deemed to have filed a case at the time the first pleading or other  
24 filing ~~on which an individual lawyer's name appears~~ is submitted to

1 the court for filing and opens a new case. All such fees shall be  
2 forwarded to the Administrator of the Lengthy Trial Fund for  
3 deposit.

4 3. The Administrator shall use the fees deposited in the  
5 Lengthy Trial Fund for any of the following:

6 a. to pay full or partial wage replacement ~~or,~~

7 b. supplementation to jurors whose employers pay less than  
8 full regular wages when the period of jury service  
9 lasts more than ten (10) days, and

10 c. to pay emergency claims of district court clerks for  
11 juror fees.

12 4. The court may pay replacement or supplemental wages of up to  
13 Two Hundred Dollars (\$200.00) per day per juror beginning on the  
14 eleventh day of jury service. In addition, for any jurors who  
15 qualify for payment by serving on a jury for more than ten (10)  
16 days, the court may, upon finding that such service posed a  
17 significant financial hardship to a juror, even in light of payments  
18 made with respect to jury service after the tenth day, award  
19 replacement or supplemental wages of up to Fifty Dollars (\$50.00)  
20 per day from the fourth to the tenth day of jury service.

21 5. Any juror who is serving or has served on a jury that  
22 qualifies for payment from the Lengthy Trial Fund, provided the  
23 service commenced on or after the effective date of this act, may  
24 submit a request for payment from the Lengthy Trial Fund on a form

1 provided by the Administrator. Payment shall be limited to the  
2 difference between the state-paid jury fee and the actual amount of  
3 wages a juror earns, up to the maximum level payable, minus any  
4 amount the juror actually receives from the employer during the same  
5 time period. The form shall disclose the juror's regular wages, the  
6 amount the employer will pay during the term of jury service  
7 starting on the eleventh day and thereafter, the amount of  
8 replacement or supplemental wages requested, and any other  
9 information the Administrator deems necessary for proper payment.  
10 The juror shall be required to submit verification from the employer  
11 as to the wage information provided to the Administrator, including  
12 but not limited to the employee's most recent earnings statement or  
13 similar document, prior to initiation of payment from the fund. If  
14 an individual is self-employed or receives compensation other than  
15 wages, the individual may provide a sworn affidavit attesting to his  
16 or her approximate gross weekly income, together with such other  
17 information as the Administrator may require, in order to verify  
18 weekly income.

19 6. The following ~~attorneys and causes of action~~ are exempt from  
20 payment of the Lengthy Trial Fund fee:

- 21 a. government attorneys entering appearances in the
- 22 course of their official duties,
- 23 b. ~~pro se litigants,~~

24

1           ~~e.~~ cases in small claims court or the state equivalent  
2           thereof, or

3           ~~d.~~ c. claims seeking social security disability  
4           determinations, individual veterans' compensation or  
5           disability determinations, recoupment actions for  
6           government backed educational loans or mortgages,  
7           child custody and support cases, actions brought in  
8           forma pauperis, and any other filings designated by  
9           rule that involve minimal use of court resources and  
10          that customarily are not afforded the opportunity for  
11          a trial by jury.

12          SECTION 3.           AMENDATORY           28 O.S. 2001, Section 151, as  
13          amended by Section 3, Chapter 192, O.S.L. 2005 (28 O.S. Supp. 2006,  
14          Section 151), is amended to read as follows:

15          Section 151. A. It shall be the duty of the clerks of the  
16          district court and other trial courts of record of this state to  
17          charge and collect the fees imposed by this title and other fees,  
18          assessments and payments as imposed by the Oklahoma Statutes, fines,  
19          costs and assessments imposed by the district courts or appellant  
20          courts, and none others, in all cases, except those in which the  
21          defendant is charged with a misdemeanor or traffic violation, and  
22          except cases under the Small Claims Procedure Act, Section 1751 et  
23          seq. of Title 12 of the Oklahoma Statutes.

1 B. 1. Payment for any fee provided for in this title may be  
2 made by a nationally recognized credit or debit card issued to the  
3 applicant. The court clerk shall ~~publicly post and~~ not collect a  
4 fee for the acceptance of the nationally recognized credit or debit  
5 card. ~~The court fee shall be set by the Supreme Court of Oklahoma~~  
6 ~~each time a fee schedule is promulgated by the Supreme Court of~~  
7 ~~Oklahoma, not to exceed five percent (5%) of the amount of the~~  
8 ~~payment~~ The court clerk shall absorb any expenses associated with  
9 acceptance and verification of the credit or debit card and  
10 apportion the expenses among the various cost elements associated  
11 with accepting the credit or debit card. Any other costs or  
12 maintenance fees accrued for accepting or using credit or debit  
13 cards may be paid from the court fund. For purposes of this  
14 subsection, "nationally recognized credit card" means any instrument  
15 or device, whether known as a credit card, credit plate, charge  
16 plate, or by any other name, issued with or without fee by an issuer  
17 for the use of the cardholder in obtaining goods, services, or  
18 anything else of value and which is accepted by over one thousand  
19 merchants in this state. "Debit card" means an identification card  
20 or device issued to a person by a business organization which  
21 permits such person to obtain access to or activate a consumer  
22 banking electronic facility. The court clerk shall determine which  
23 nationally recognized credit or debit cards will be accepted as  
24 payment for fees. The Administrative Office of the Courts is

1 authorized to negotiate and organize statewide contracts for the  
2 acceptance of credit and debit cards and equipment related thereto.

3 2. Written procedures for acceptance or rejection of credit  
4 cards shall be established by the Office of the State Auditor and  
5 Inspector with approval and direction to court clerks to be issued  
6 by the Administrative Office of the Courts.

7 C. Payment for any fee provided for in this title may be made  
8 by a personal or business check. The court clerk, at the court  
9 clerk's discretion, may:

10 1. Add an amount equal to the amount of the service charge  
11 incurred, not to exceed three percent (3%) of the amount of the  
12 check as a service charge for the acceptance and verification of the  
13 check; or

14 2. Add an amount of no more than Five Dollars (\$5.00) as a  
15 service charge for the acceptance and verification of a check. For  
16 purposes of this subsection, "personal or business check" shall not  
17 mean a money order, cashier's check, or bank certified check.

18 D. The Supreme Court is authorized to institute a cost  
19 collection program for collection of fees, fines, costs and  
20 assessments provided for in this title.

21 SECTION 4. AMENDATORY 28 O.S. 2001, Section 153, as last  
22 amended by Section 18 of Enrolled House Bill No. 2195 of the 1st  
23 Session of the 51st Oklahoma Legislature, is amended to read as  
24 follows:

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

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

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

21 3. For each defendant convicted of a  
22 misdemeanor, other than for driving  
23 under the influence of alcohol or  
24 other intoxicating substance or an

- 1 offense provided for in paragraph 1 or  
2 2 of this subsection, whether charged  
3 individually or conjointly with others.....\$93.00
- 4 4. For each defendant convicted of a  
5 felony, other than for driving under  
6 the influence of alcohol or other  
7 intoxicating substance, whether  
8 charged individually or conjointly  
9 with others.....\$103.00
- 10 5. For each defendant convicted of the  
11 misdemeanor of driving under the  
12 influence of alcohol or other  
13 intoxicating substance, whether charged  
14 individually or conjointly with others..... \$433.00
- 15 6. For each defendant convicted of the  
16 felony of driving under the influence  
17 of alcohol or other intoxicating  
18 substance, whether charged  
19 individually or conjointly with others.....\$433.00
- 20 7. For the services of a court reporter at  
21 each preliminary hearing and trial  
22 held in the case.....\$20.00
- 23 8. For each time a jury is requested..... \$30.00  
24

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

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

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

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

20 B. In addition to the amount collected pursuant to paragraphs 2  
21 through 6 of subsection A of this section, the sum of Six Dollars  
22 (\$6.00) shall be assessed and credited to the Law Library Fund  
23 pursuant to Section 1201 et seq. of Title 20 of the Oklahoma  
24 Statutes.

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

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

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

1 purpose of enhancing existing or providing additional courthouse  
2 security.

3 F. Prior to conviction, parties in criminal cases shall not be  
4 required to pay, advance, or post security for the services of a  
5 language interpreter or for the issuance or service of process to  
6 obtain compulsory attendance of witnesses.

7 G. The fees collected pursuant to this section shall be  
8 deposited into the court fund, except the following:

9 1. A court clerk issuing a misdemeanor warrant is entitled to  
10 ten percent (10%) of the sheriff's service fee, provided for in  
11 paragraph 9 of subsection A of this section, collected on a warrant  
12 referred to the contractor for the misdemeanor warrant notification  
13 program governed by Sections 514.4 and 514.5 of Title 19 of the  
14 Oklahoma Statutes. This ten-percent sum shall be deposited into the  
15 issuing Court Clerk's Revolving Fund, created pursuant to Section  
16 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing  
17 the warrant with the balance of the sheriff's service fee to be  
18 deposited into the Sheriff's Service Fee Account, created pursuant  
19 to the provisions of Section 514.1 of Title 19 of the Oklahoma  
20 Statutes, of the sheriff in the county in which service is made or  
21 attempted. Otherwise, the sheriff's service fee, when collected,  
22 shall be deposited in its entirety into the Sheriff's Service Fee  
23 Account of the sheriff in the county in which service is made or  
24 attempted;

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

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

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

12           5. The following amounts of the fees provided for in paragraphs  
13 2, 3, 5 and 6 of subsection A of this section, when collected, shall  
14 be deposited in the Trauma Care Assistance Revolving Fund, created  
15 pursuant to the provisions of Section 1-2530.9 of Title 63 of the  
16 Oklahoma Statutes:

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

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

23

24

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

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

7 H. Costs required to be collected pursuant to this section  
8 shall not be dismissed or waived; provided, if the court determines  
9 that a person needing the services of a language interpreter is  
10 indigent, the court may waive all or part of the costs or require  
11 the payment of costs in installments.

12 I. As used in this section, "convicted" means any final  
13 adjudication of guilt, whether pursuant to a plea of guilty or nolo  
14 contendere or otherwise, and any deferred judgment or suspended  
15 sentence.

16 J. A court clerk may accept in payment for any fee, fine, or  
17 cost for violation of any traffic law a nationally recognized credit  
18 card or debit card issued to the applicant. The court clerk shall  
19 ~~publicly post and~~ not collect a fee for the acceptance of the  
20 ~~nationally recognized~~ credit or debit card. ~~The court fee shall be~~  
21 ~~set by the Supreme Court of Oklahoma each time a fee schedule is~~  
22 ~~promulgated by the Supreme Court of Oklahoma, not to exceed five~~  
23 ~~percent (5%) of the amount of the payment. Any other costs or~~  
24 ~~maintenance fees accrued for accepting or using credit or debit~~

1 ~~cards may be paid from the court fund~~ The court clerk shall absorb  
2 any expenses associated with acceptance and verification of the  
3 credit or debit card and shall apportion the expenses among the  
4 various cost elements associated with accepting the credit or debit  
5 card. For purposes of this paragraph, "nationally recognized credit  
6 card" means any instrument or device, whether known as a credit  
7 card, credit plate, charge plate, or by any other name, issued with  
8 or without fee by an issuer for the use of the cardholder in  
9 obtaining goods, services, or anything else of value and which is  
10 accepted by over one thousand (1,000) merchants in this state.  
11 "Debit card" means an identification card or device issued to a  
12 person by a business organization which permits such person to  
13 obtain access to or activate a consumer banking electronic facility.  
14 The court clerk shall determine which nationally recognized credit  
15 cards will be accepted as payment for fees; provided, the court  
16 clerk must ensure that no loss of state revenue will occur by the  
17 use of such cards.

18 K. The Administrative Office of the Courts is authorized to  
19 negotiate and organize statewide contacts for the acceptance of  
20 credit and debit cards and equipment related thereto.

21 L. Upon receipt of payment of fines and costs for offenses  
22 charged prior to July 1, 1992, the court clerk shall apportion and  
23 pay Thirteen Dollars (\$13.00) per conviction to the court fund.

24

1 SECTION 5. AMENDATORY 38 O.S. 2001, Section 18, as last  
2 amended by Section 1, Chapter 234, O.S.L. 2003 (38 O.S. Supp. 2006,  
3 Section 18), is amended to read as follows:

4 Section 18. For the purpose of ascertaining names of all  
5 persons qualified for jury service:

6 1. The Commissioner of Public Safety shall cause to be provided  
7 to the Administrative Director of the Courts, not later than the  
8 first day of October of each year, a list by county of residence of  
9 persons who reside in the county, who are eighteen (18) years of age  
10 or older, and who are holders of a current driver license or a  
11 current identification license issued by the Department of Public  
12 Safety. The list shall contain the name, date of birth, and mailing  
13 address of each person listed. The list shall be used exclusively  
14 for jury selection purposes. The Administrative Director of the  
15 Courts and the court clerk shall not copy or permit any person to  
16 copy the list or any portion thereof for purposes other than jury  
17 selection;

18 2. The Administrator of the Oklahoma Tax Commission shall cause  
19 to be provided to the Administrative Director of the Courts, not  
20 later than the first day of October of each year, a list of  
21 individuals who filed personal state income tax returns for the  
22 previous calendar year. The list shall contain the name and mailing  
23 address of each person listed. The list shall be used exclusively  
24 for jury selection purposes. The Administrative Director of the

1 Courts and the court clerk shall not copy or permit any person to  
2 copy the list or any portion thereof for purposes other than jury  
3 selection;

4 3. All names and addresses of the persons so listed under the  
5 provisions of ~~paragraph 1~~ paragraphs 1 and 2 of this section shall  
6 be used thereafter in the selection of juries; provided, however, no  
7 jury panel shall be quashed because of a duplication of names;

8 ~~3. The list~~ 4. All names and addresses of the persons so  
9 listed under the provisions of paragraphs 1 and 2 of this section  
10 will be furnished by the Administrative Director of the Courts to  
11 the court clerks according to the period of time prescribed by the  
12 Administrative Director of the Courts;

13 ~~4. 5.~~ The provisions of this section shall not be construed to  
14 preclude persons otherwise qualified to serve as jurors from  
15 volunteering for jury service in a manner prescribed by the  
16 Administrative Director of the Courts; and

17 ~~5. 6.~~ The Administrative Director of the Courts may accept  
18 changes or corrections in a mailing address or county of residence  
19 of a qualified juror from such qualified juror. Changes may be  
20 accepted in any manner prescribed by the Administrative Director of  
21 the Courts.

22 SECTION 6. AMENDATORY 38 O.S. 2001, Section 20.1, is  
23 amended to read as follows:

24

1 Section 20.1 A. Each member of the general jury panel, when  
2 reporting for duty as provided for in Section 20 of ~~Title 38 of the~~  
3 ~~Oklahoma Statutes~~ this title, shall take and subscribe to an oath or  
4 affirmation which shall be in substantially the following form:

5 OATH

6 I, the undersigned, do solemnly swear or affirm that I am a  
7 citizen of the United States and a resident of the State of  
8 Oklahoma, County of \_\_\_\_\_. I further swear or affirm that I am  
9 eighteen years of age or older.

10 I further swear or affirm that I have not been convicted of a  
11 felony for which a period of time equal to the original judgment and  
12 sentence has not expired, or for which I have not been pardoned. I  
13 further swear or affirm that I am not now adjudicated as being  
14 mentally incompetent and that I am not ~~mentally retarded~~ deficient  
15 in mind.

16 \_\_\_\_\_

17 (Signature or mark of general jury panel member)

18 \_\_\_\_\_

19 (Signature of court clerk)

(Date)

20 B. The oath or affirmation provided for in subsection A of this  
21 section shall be administered by the chief judge of the district  
22 court or, during ~~his~~ the absence or disability of the chief judge,  
23 by some other judge assigned to the district court in the county,

24

1 and once subscribed to, shall be maintained in the office of the  
2 court clerk as a judicial record.

3 SECTION 7. AMENDATORY 38 O.S. 2001, Section 28, as last  
4 amended by Section 42, Chapter 1, O.S.L. 2005 (38 O.S. Supp. 2005,  
5 Section 28), is amended to read as follows:

6 Section 28. A. It is the policy of this state that all  
7 citizens qualified for jury service pursuant to this section have an  
8 obligation to serve on petit juries when summoned by the courts of  
9 this state, unless excused.

10 B. All citizens of the United States, residing in this state,  
11 having the qualifications of electors of this state, are competent  
12 jurors to serve on all grand and petit juries within their counties;  
13 provided, that persons over ~~seventy (70)~~ seventy-two (72) years of  
14 age and persons who have served as a grand or petit juror during the  
15 last two (2) immediately preceding calendar years shall not be  
16 compelled to serve as jurors in this state ~~and the~~.

17 C. The court may excuse or discharge any juror drawn and  
18 summoned as a grand or petit juror if:

19 1. The prospective juror has a mental or physical condition  
20 that causes him or her to be incapable of performing jury service.  
21 The juror, or the juror's personal representative, shall provide the  
22 court with documentation from a physician licensed to practice  
23 medicine verifying that a mental or physical condition renders the  
24

1 person unfit for jury service for a period of up to twenty-four (24)  
2 months; or

3 2. ~~Jury service would cause undue or extreme physical or~~  
4 ~~financial hardship to the prospective juror or a person under his or~~  
5 ~~her care or supervision. A judge of the court for which the~~  
6 ~~individual was called to jury service shall make undue or extreme~~  
7 ~~physical or financial hardship determinations. The authority to~~  
8 ~~make these determinations is delegable only to court officials or~~  
9 ~~personnel who are authorized by the laws of this state to function~~  
10 ~~as members of the judiciary. A person requesting to be excused~~  
11 ~~based on a finding of undue or extreme physical or financial~~  
12 ~~hardship shall take all actions necessary to have obtained a ruling~~  
13 ~~on that request by no later than the date on which the individual is~~  
14 ~~scheduled to appear for jury duty. For purposes of this act, "undue~~  
15 ~~or extreme physical or financial hardship" is limited to~~  
16 ~~circumstances in which an individual~~ The prospective juror ~~would be~~  
17 ~~required to abandon a person under his or her personal care or~~  
18 ~~supervision due to the impossibility of obtaining an appropriate~~  
19 ~~substitute caregiver during the period of participation in the jury~~  
20 ~~pool or on the jury, incur costs that would have a substantial~~  
21 ~~adverse impact on the payment of the individual's necessary daily~~  
22 ~~living expenses or on those for whom he or she provides the~~  
23 ~~principle means of support, or suffer physical hardship that would~~  
24 ~~result in illness or disease. Undue or extreme physical or~~

1 ~~financial hardship does not exist solely based on the fact that a~~  
2 ~~prospective juror will be required to be absent from his or her~~  
3 ~~place of employment. A person requesting a judge to grant an excuse~~  
4 ~~based on undue or extreme physical or financial hardship shall be~~  
5 ~~required to provide the judge with documentation, such as, but not~~  
6 ~~limited to, federal and state income tax returns, medical statements~~  
7 ~~from licensed physicians, proof of dependency or guardianship, and~~  
8 ~~similar documents, which the judge finds to clearly support the~~  
9 ~~request to be excused. Failure to provide satisfactory~~  
10 ~~documentation shall result in a denial of the request to be excused.~~

11 ~~After two (2) years, a person excused from jury service shall~~  
12 ~~become eligible once again for qualification as a juror unless the~~  
13 ~~person was excused from service permanently. A person is excused~~  
14 ~~from jury service permanently only when the deciding judge~~  
15 ~~determines that the underlying grounds for being excused are of a~~  
16 ~~permanent nature; or~~

17 ~~3. The court in its discretion finds good cause to excuse the~~  
18 ~~juror.~~

19 ~~C. D. Persons who are not qualified to serve as jurors are:~~

- 20 1. Justices of the Supreme Court or the Court of Civil Appeals;
- 21 2. Judges of the Court of Criminal Appeals or the district  
22 court;
- 23 3. Sheriffs or deputy sheriffs for criminal cases only;

24

- 1        4. Jailers or law enforcement officers, state or federal,  
2 having custody of prisoners;
- 3        5. Licensed attorneys engaged in the practice of law;
- 4        6. Persons who have been convicted of any felony or who have  
5 served a term of imprisonment in any penitentiary, state or federal,  
6 for the commission of a felony; provided, any such citizen  
7 convicted, who has been fully restored to his or her civil rights,  
8 shall be eligible to serve as a juror; and
- 9        7. Legislators during a session of the Legislature or when  
10 involved in state business.

11        ~~D.~~ E. Mothers who are breast-feeding a baby, upon their  
12 request, shall be exempt from service as jurors.

13        SECTION 8.        AMENDATORY        68 O.S. 2001, Section 205, as last  
14 amended by Section 1, Chapter 281, O.S.L. 2006 (68 O.S. Supp. 2006,  
15 Section 205), is amended to read as follows:

16        Section 205. A. The records and files of the Oklahoma Tax  
17 Commission concerning the administration of the Uniform Tax  
18 Procedure Code or of any state tax law shall be considered  
19 confidential and privileged, except as otherwise provided for by  
20 law, and neither the Tax Commission nor any employee engaged in the  
21 administration of the Tax Commission or charged with the custody of  
22 any such records or files nor any person who may have secured  
23 information from the Tax Commission shall disclose any information

24

1 obtained from the records or files or from any examination or  
2 inspection of the premises or property of any person.

3 B. Except as provided in paragraph 26 of subsection C of this  
4 section, neither the Tax Commission nor any employee engaged in the  
5 administration of the Tax Commission or charged with the custody of  
6 any such records or files shall be required by any court of this  
7 state to produce any of the records or files for the inspection of  
8 any person or for use in any action or proceeding, except when the  
9 records or files or the facts shown thereby are directly involved in  
10 an action or proceeding pursuant to the provisions of the Uniform  
11 Tax Procedure Code or of the state tax law, or when the  
12 determination of the action or proceeding will affect the validity  
13 or the amount of the claim of the state pursuant to any state tax  
14 law, or when the information contained in the records or files  
15 constitutes evidence of violation of the provisions of the Uniform  
16 Tax Procedure Code or of any state tax law.

17 C. The provisions of this section shall not prevent the Tax  
18 Commission from disclosing the following information and no  
19 liability whatsoever, civil or criminal, shall attach to any member  
20 of the Tax Commission or any employee thereof for any error or  
21 omission in the disclosure of such information:

22 1. The delivery to a taxpayer or a duly authorized  
23 representative of the taxpayer of a copy of any report or any other  
24

1 paper filed by the taxpayer pursuant to the provisions of the  
2 Uniform Tax Procedure Code or of any state tax law;

3 2. The exchange of information that is not protected by the  
4 federal Privacy Protection Act, 42 U.S.C., Section 2000aa et seq.,  
5 pursuant to reciprocal agreements entered into by the Tax Commission  
6 and other state agencies or agencies of the federal government;

7 3. The publication of statistics so classified as to prevent  
8 the identification of a particular report and the items thereof;

9 4. The examination of records and files by the State Auditor  
10 and Inspector or the duly authorized agents of the State Auditor and  
11 Inspector;

12 5. The disclosing of information or evidence to the Oklahoma  
13 State Bureau of Investigation, Attorney General, Oklahoma State  
14 Bureau of Narcotics and Dangerous Drugs Control, any district  
15 attorney, or agent of any federal law enforcement agency when the  
16 information or evidence is to be used by such officials to  
17 investigate or prosecute violations of the criminal provisions of  
18 the Uniform Tax Procedure Code or of any state tax law or of any  
19 federal crime committed against this state. Any information  
20 disclosed to the Oklahoma State Bureau of Investigation, Attorney  
21 General, Oklahoma State Bureau of Narcotics and Dangerous Drugs  
22 Control, any district attorney, or agent of any federal law  
23 enforcement agency shall be kept confidential by such person and not  
24 be disclosed except when presented to a court in a prosecution for

1 violation of the tax laws of this state or except as specifically  
2 authorized by law, and a violation by the Oklahoma State Bureau of  
3 Investigation, Attorney General, Oklahoma State Bureau of Narcotics  
4 and Dangerous Drugs Control, district attorney, or agent of any  
5 federal law enforcement agency by otherwise releasing the  
6 information shall be a felony;

7 6. The use by any division of the Tax Commission of any  
8 information or evidence in the possession of or contained in any  
9 report or return filed with any other division of the Tax  
10 Commission;

11 7. The furnishing, at the discretion of the Tax Commission, of  
12 any information disclosed by its records or files to any official  
13 person or body of this state, any other state, the United States, or  
14 foreign country who is concerned with the administration or  
15 assessment of any similar tax in this state, any other state or the  
16 United States. The provisions of this paragraph shall include the  
17 furnishing of information by the Tax Commission to a county assessor  
18 to determine the amount of gross household income pursuant to the  
19 provisions of Section 8C of Article X of the Oklahoma Constitution  
20 or Section 2890 of this title. The Tax Commission shall promulgate  
21 rules to give guidance to the county assessors regarding the type of  
22 information which may be used by the county assessors in determining  
23 the amount of gross household income pursuant to Section 8C of  
24 Article X of the Oklahoma Constitution or Section 2890 of this

1 title. The provisions of this paragraph shall also include the  
2 furnishing of information to the State Treasurer for the purpose of  
3 administration of the Uniform Unclaimed Property Act;

4 8. The furnishing of information to other state agencies for  
5 the limited purpose of aiding in the collection of debts owed by  
6 individuals to such requesting agencies;

7 9. The furnishing of information requested by any member of the  
8 general public and stated in the sworn lists or schedules of taxable  
9 property of public service corporations organized, existing, or  
10 doing business in this state which are submitted to and certified by  
11 the State Board of Equalization pursuant to the provisions of  
12 Section 2858 of this title and Section 21 of Article X of the  
13 Oklahoma Constitution, provided such information would be a public  
14 record if filed pursuant to Sections 2838 and 2839 of this title on  
15 behalf of a corporation other than a public service corporation;

16 10. The furnishing of information requested by any member of  
17 the general public and stated in the findings of the Tax Commission  
18 as to the adjustment and equalization of the valuation of real and  
19 personal property of the counties of the state, which are submitted  
20 to and certified by the State Board of Equalization pursuant to the  
21 provisions of Section 2865 of this title and Section 21 of Article X  
22 of the Oklahoma Constitution;

23 11. The furnishing of information to an Oklahoma wholesaler of  
24 low-point beer, licensed under the provisions of Section 163.1 et

1 seq. of Title 37 of the Oklahoma Statutes, of the licensed retailers  
2 authorized by law to purchase low-point beer in this state or the  
3 furnishing of information to a licensed Oklahoma wholesaler of  
4 shipments by licensed manufacturers into this state;

5 12. The furnishing of information as to the issuance or  
6 revocation of any tax permit, license or exemption by the Tax  
7 Commission as provided for by law. Such information shall be  
8 limited to the name of the person issued the permit, license or  
9 exemption, the name of the business entity authorized to engage in  
10 business pursuant to the permit, license or exemption, the address  
11 of the business entity, and the grounds for revocation;

12 13. The posting of notice of revocation of any tax permit or  
13 license upon the premises of the place of business of any business  
14 entity which has had any tax permit or license revoked by the Tax  
15 Commission as provided for by law. Such notice shall be limited to  
16 the name of the person issued the permit or license, the name of the  
17 business entity authorized to engage in business pursuant to the  
18 permit or license, the address of the business entity, and the  
19 grounds for revocation;

20 14. The furnishing of information upon written request by any  
21 member of the general public as to the outstanding and unpaid amount  
22 due and owing by any taxpayer of this state for any delinquent tax,  
23 together with penalty and interest, for which a tax warrant or a  
24 certificate of indebtedness has been filed pursuant to law;

1 15. After the filing of a tax warrant pursuant to law, the  
2 furnishing of information upon written request by any member of the  
3 general public as to any agreement entered into by the Tax  
4 Commission concerning a compromise of tax liability for an amount  
5 less than the amount of tax liability stated on such warrant;

6 16. The disclosure of information necessary to complete the  
7 performance of any contract authorized by Sections 255 and 262 of  
8 this title to any person with whom the Tax Commission has  
9 contracted;

10 17. The disclosure of information to any person for a purpose  
11 as authorized by the taxpayer pursuant to a waiver of  
12 confidentiality. The waiver shall be in writing and shall be made  
13 upon such form as the Tax Commission may prescribe;

14 18. The disclosure of information required in order to comply  
15 with the provisions of Section 2369 of this title;

16 19. The disclosure to an employer, as defined in Sections  
17 2385.1 and 2385.3 of this title, of information required in order to  
18 collect the tax imposed by Section 2385.2 of this title;

19 20. The disclosure to a plaintiff of a corporation's last-known  
20 address shown on the records of the Franchise Tax Division of the  
21 Tax Commission in order for such plaintiff to comply with the  
22 requirements of Section 2004 of Title 12 of the Oklahoma Statutes;

23 21. The disclosure of information directly involved in the  
24 resolution of the protest by a taxpayer to an assessment of tax or

1 additional tax or the resolution of a claim for refund filed by a  
2 taxpayer, including the disclosure of the pendency of an  
3 administrative proceeding involving such protest or claim, to a  
4 person called by the Tax Commission as an expert witness or as a  
5 witness whose area of knowledge or expertise specifically addresses  
6 the issue addressed in the protest or claim for refund. Such  
7 disclosure to a witness shall be limited to information pertaining  
8 to the specific knowledge of that witness as to the transaction or  
9 relationship between taxpayer and witness;

10 22. The disclosure of information necessary to implement an  
11 agreement authorized by Section 2702 of this title when such  
12 information is directly involved in the resolution of issues arising  
13 out of the enforcement of a municipal sales tax ordinance. Such  
14 disclosure shall be to the governing body or to the municipal  
15 attorney, if so designated by the governing body;

16 23. The furnishing of information regarding incentive payments  
17 made pursuant to the provisions of Sections 3601 through 3609 of  
18 this title or incentive payments made pursuant to the provisions of  
19 Sections 3501 through 3508 of this title;

20 24. The furnishing to a prospective purchaser of any business,  
21 or his or her authorized representative, of information relating to  
22 any liabilities, delinquencies, assessments or warrants of the  
23 prospective seller of the business which have not been filed of  
24 record, established, or become final and which relate solely to the

1 seller's business. Any disclosure under this paragraph shall only  
2 be allowed upon the presentment by the prospective buyer, or the  
3 buyer's authorized representative, of the purchase contract and a  
4 written authorization between the parties;

5 25. The furnishing of information as to the amount of state  
6 revenue affected by the issuance or granting of any tax permit,  
7 license, exemption, deduction, credit or other tax preference by the  
8 Tax Commission as provided for by law. Such information shall be  
9 limited to the type of permit, license, exemption, deduction, credit  
10 or other tax preference issued or granted, the date and duration of  
11 such permit, license, exemption, deduction, credit or other tax  
12 preference and the amount of such revenue. The provisions of this  
13 paragraph shall not authorize the disclosure of the name of the  
14 person issued such permit, license, exemption, deduction, credit or  
15 other tax preference, or the name of the business entity authorized  
16 to engage in business pursuant to the permit, license, exemption,  
17 deduction, credit or other tax preference;

18 26. The examination of records and files of a person or entity  
19 by the Oklahoma State Bureau of Narcotics and Dangerous Drugs  
20 Control pursuant to a court order by a magistrate in whose  
21 territorial jurisdiction the person or entity resides, or where the  
22 Tax Commission records and files are physically located. Such an  
23 order may only be issued upon a sworn application by an agent of the  
24 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,

1 certifying that the person or entity whose records and files are to  
2 be examined is the target of an ongoing investigation of a felony  
3 violation of the Uniform Controlled Dangerous Substances Act and  
4 that information resulting from such an examination would likely be  
5 relevant to that investigation. Any records or information obtained  
6 pursuant to such an order may only be used by the Oklahoma State  
7 Bureau of Narcotics and Dangerous Drugs Control in the investigation  
8 and prosecution of a felony violation of the Uniform Controlled  
9 Dangerous Substances Act. Any such order issued pursuant to this  
10 paragraph, along with the underlying application, shall be sealed  
11 and not disclosed to the person or entity whose records were  
12 examined, for a period of ninety (90) days. The issuing magistrate  
13 may grant extensions of such period upon a showing of good cause in  
14 furtherance of the investigation. Upon the expiration of ninety  
15 (90) days and any extensions granted by the magistrate, a copy of  
16 the application and order shall be served upon the person or entity  
17 whose records were examined, along with a copy of the records or  
18 information actually provided by the Tax Commission; ~~or~~

19 27. The disclosure of information, as prescribed by this  
20 paragraph, which is related to the proposed or actual usage of tax  
21 credits pursuant to Section 2357.7 of this title, the Small Business  
22 Capital Formation Incentive Act or the Rural Venture Capital  
23 Formation Incentive Act. Unless the context clearly requires  
24 otherwise, the terms used in this paragraph shall have the same

1 meaning as defined by Section 2357.7, 2357.61 or 2357.72 of this  
2 title. The disclosure of information authorized by this paragraph  
3 shall include:

- 4 a. the legal name of any qualified venture capital  
5 company, qualified small business capital company, or  
6 qualified rural small business capital company,
- 7 b. the identity or legal name of any person or entity  
8 that is a shareholder or partner of a qualified  
9 venture capital company, qualified small business  
10 capital company, or qualified rural small business  
11 capital company,
- 12 c. the identity or legal name of any Oklahoma business  
13 venture, Oklahoma small business venture, or Oklahoma  
14 rural small business venture in which a qualified  
15 investment has been made by a capital company, or
- 16 d. the amount of funds invested in a qualified venture  
17 capital company, the amount of qualified investments  
18 in a qualified small business capital company or  
19 qualified rural small business capital company and the  
20 amount of investments made by a qualified venture  
21 capital company, qualified small business capital  
22 company, or qualified rural small business capital  
23 company; or

24

1        28. The disclosure of information required in order to comply  
2 with the provisions of Section 18 of Title 38 of the Oklahoma  
3 Statutes.

4        D. The Tax Commission shall cause to be prepared and made  
5 available for public inspection in the office of the Tax Commission  
6 in such manner as it may determine an annual list containing the  
7 name and post office address of each person, whether individual,  
8 corporate, or otherwise, making and filing an income tax return with  
9 the Tax Commission.

10        It is specifically provided that no liability whatsoever, civil  
11 or criminal, shall attach to any member of the Tax Commission or any  
12 employee thereof for any error or omission of any name or address in  
13 the preparation and publication of the list.

14        E. The Tax Commission shall prepare or cause to be prepared a  
15 report on all provisions of state tax law that reduce state revenue  
16 through exclusions, deductions, credits, exemptions, deferrals or  
17 other preferential tax treatments. The report shall be prepared not  
18 later than October 1 of each even-numbered year and shall be  
19 submitted to the Governor, the President Pro Tempore of the Senate  
20 and the Speaker of the House of Representatives. The Tax Commission  
21 may prepare and submit supplements to the report at other times of  
22 the year if additional or updated information relevant to the report  
23 becomes available. The report shall include, for the previous  
24 fiscal year, the Tax Commission's best estimate of the amount of

1 state revenue that would have been collected but for the existence  
2 of each such exclusion, deduction, credit, exemption, deferral or  
3 other preferential tax treatment allowed by law. The Tax Commission  
4 may request the assistance of other state agencies as may be needed  
5 to prepare the report. The Tax Commission is authorized to require  
6 any recipient of a tax incentive or tax expenditure to report to the  
7 Tax Commission such information as requested so that the Tax  
8 Commission may provide the information to the Incentive Review  
9 Committee or fulfill its obligations as required by this subsection.  
10 The Tax Commission may require this information to be submitted in  
11 an electronic format. The Tax Commission may disallow any claim of  
12 a person for a tax incentive due to its failure to file a report as  
13 required under the authority of this subsection. The Tax Commission  
14 may consult with the Incentive Review Committee to develop a  
15 reporting system to obtain the information requested in a manner  
16 that is the least burdensome on the taxpayer.

17 F. It is further provided that the provisions of this section  
18 shall be strictly interpreted and shall not be construed as  
19 permitting the disclosure of any other information contained in the  
20 records and files of the Tax Commission relating to income tax or to  
21 any other taxes.

22 G. Unless otherwise provided for in this section, any violation  
23 of the provisions of this section shall constitute a misdemeanor and  
24 shall be punishable by the imposition of a fine not exceeding One

1 Thousand Dollars (\$1,000.00) or by imprisonment in the county jail  
2 for a term not exceeding one (1) year, or by both such fine and  
3 imprisonment, and the offender shall be removed or dismissed from  
4 office.

5 H. Offenses described in Section 2376 of this title shall be  
6 reported to the appropriate district attorney of this state by the  
7 Tax Commission as soon as the offenses are discovered by the Tax  
8 Commission or its agents or employees. The Tax Commission shall  
9 make available to the appropriate district attorney or to the  
10 authorized agent of the district attorney its records and files  
11 pertinent to prosecutions, and such records and files shall be fully  
12 admissible as evidence for the purpose of such prosecutions.

13 SECTION 9. This act shall become effective July 1, 2007.

14 SECTION 10. It being immediately necessary for the preservation  
15 of the public peace, health and safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

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1 Passed the House of Representatives the 8th day of March, 2007.

2  
3  
4 Presiding Officer of the House of  
Representatives

5  
6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2007.

7  
8  
9 Presiding Officer of the Senate