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THE STATE SENATE
Monday, April 9, 2007

Committee Substitute for
ENGROSSED
House Bill No. 2050

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 2050 - By: SHERRER and McDANIEL (Jeannie) of the House and BURRAGE of the Senate.

An Act relating to court procedure; creating the Oklahoma District Court Improvement Act; providing short title; amending 28 O.S. 2001, Section 86, as amended by Section 2, Chapter 525, O.S.L. 2004 (28 O.S. Supp. 2006, Section 86), which relates to fees paid to jurors; modifying persons required to pay fee to the Lengthy Trial Fund; modifying purposes for the Lengthy Trial Fund; modifying exemptions from payment of fee to the Lengthy Trial Fund; amending 28 O.S. 2001, Sections 151, as amended by Section 3, Chapter 192, O.S.L. 2005, 152, as last amended by Section 4, Chapter 192, O.S.L. 2005, and 153, as last amended by Section 18 of Enrolled House Bill No. 2195 of the 1st Session of the 51st Oklahoma Legislature (28 O.S. Supp. 2006, Sections 151, 152 and 153), which relate to collection of certain fees; modifying procedures for use of credit or debit cards; prohibiting collection of certain fees; 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; providing for noncodification; providing an effective date; and declaring an emergency.

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

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

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

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

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

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

13 2. For mileage going to and returning from jury service each
14 day, pursuant to the provisions of the State Travel Reimbursement
15 Act.

16 B. The Court Fund Board of the district court may contract for
17 or provide reimbursement for parking for district court jurors to be
18 paid from the Court Fund. Parking so provided to jurors shall be in
19 lieu of any reimbursement to jurors for parking fees.

20 C. The provisions of this section shall not apply to any person
21 who is summoned for jury duty and who is excused from serving
22 pursuant to the provisions of subsection A of Section 28 of Title 38

1 of the Oklahoma Statutes, beginning on the day the person is excused
2 from service.

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

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

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

1 forwarded to the Administrator of the Lengthy Trial Fund for
2 deposit.

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

- 5 a. to pay full or partial wage replacement ~~or,~~
- 6 b. supplementation to jurors whose employers pay less
7 than full regular wages when the period of jury
8 service lasts more than ten (10) days, and
- 9 c. to pay claims of district court clerks for juror fees.

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

19 5. Any juror who is serving or has served on a jury that
20 qualifies for payment from the Lengthy Trial Fund, provided the
21 service commenced on or after the effective date of this act, may
22 submit a request for payment from the Lengthy Trial Fund on a form
23 provided by the Administrator. Payment shall be limited to the

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

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

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

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 appellate courts, and none others, in all cases, except those in
21 which the defendant is charged with a misdemeanor or traffic
22 violation, and except cases under the Small Claims Procedure Act,
23 Section 1751 et seq. of Title 12 of the Oklahoma Statutes.

1 B. 1. ~~Payment for any fee provided for in this title~~ As
2 authorized by the Administrative Office of the Courts, the court
3 clerk may be made by accept a nationally recognized credit or debit
4 card issued to the applicant or other electronic payment method for
5 any lawful purpose, including, but not limited to, payment for any
6 fee, fine, forfeiture payment, cost, penalty assessment or other
7 charge or collection to be assessed or collected by the court clerk
8 under the laws of this state. The court clerk shall ~~publicly post~~
9 ~~and not~~ collect a fee for the acceptance of the nationally
10 recognized credit or debit card. ~~The court fee shall be set by the~~
11 ~~Supreme Court of Oklahoma each time a fee schedule is promulgated by~~
12 ~~the Supreme Court of Oklahoma, not to exceed five percent (5%) of~~
13 ~~the amount of the payment~~ Notwithstanding any other provision of
14 law, the court clerk shall apportion on a pro rata basis the costs
15 associated with the administration, acceptance, processing, and
16 verification of the credit card or debit card among all state,
17 municipal or other government entities or funds that are entitled by
18 law to receive any payments from the court clerk from any fee, fine,
19 forfeiture payment, cost, penalty assessment or other collection.
20 All credit and debit card costs shall be deducted from the fees,
21 finer, forfeiture payments, costs, penalty assessments or other
22 collections before transmittal is made to state, municipal or
23 government entities or funds pursuant to the provisions of any law

1 of this state that direct a court clerk to pay any amount or any
2 portion of any fee, fine, forfeiture payment, cost, penalty
3 assessment, or other collection to another state, municipal, or
4 other government entity or fund. Each state, municipal, or other
5 government entity or fund entitled to payment shall then receive
6 only its statutory share less its pro rated share of the credit or
7 debit card costs. ~~Any other costs or maintenance fees accrued for~~
8 ~~accepting or using credit or debit cards may be paid from the court~~
9 ~~fund.~~ For purposes of this subsection, "nationally recognized
10 credit card" means any instrument or device, whether known as a
11 credit card, credit plate, charge plate, or by any other name,
12 issued with or without fee by an issuer for the use of the
13 cardholder in obtaining goods, services, or anything else of value
14 ~~and which is accepted by over one thousand merchants in this state.~~
15 "Debit card" means an identification card or device issued to a
16 person by a business organization which permits such person to
17 obtain access to or activate a consumer banking electronic facility.
18 ~~The court clerk shall determine which nationally recognized credit~~
19 ~~or debit cards will be accepted as payment for fees~~ The
20 Administrative Office of the Courts is authorized to negotiate and
21 organize statewide contracts for the acceptance and processing of
22 credit and debit cards and equipment related thereto.

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

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

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

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

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

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

22 Section 152. A. In any civil case filed in a district court,
23 the court clerk shall collect, at the time of filing, the following

1 flat fees, none of which shall ever be refundable, and which shall
2 be the only charge for court costs, except as is otherwise
3 specifically provided for by law:

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

- 1 11. Garnishment.....\$20.00
- 2 12. Continuing wage garnishment.....\$60.00
- 3 13. Any other proceeding after judgment.....\$30.00
- 4 14. All others, including but not limited to
- 5 actions for forcible entry and detainer,
- 6 judgments from all other courts, including
- 7 the Workers' Compensation Court.....\$82.00
- 8 15. Notice of renewal of judgment.....\$20.00

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

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

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

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

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

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

1 fees or costs. Any litigant executing a false affidavit or counter
2 affidavit pursuant to the provisions of this section shall be guilty
3 of perjury.

4 H. Payments to the court clerk for fees and costs assessed
5 pursuant to this section may be made by a nationally recognized
6 credit or debit card or other electronic payment method as provided
7 in paragraph 1 of subsection B of Section 151 of this title.

8 SECTION 5. AMENDATORY 28 O.S. 2001, Section 153, as last
9 amended by Section 18 of Enrolled House Bill No. 2195 of the 1st
10 Session of the 51st Oklahoma Legislature, is amended to read as
11 follows:

12 Section 153. A. The clerks of the courts shall collect as
13 costs in every criminal case for each offense of which the defendant
14 is convicted, irrespective of whether or not the sentence is
15 deferred, the following flat charges and no more, except for
16 standing and parking violations and for charges otherwise provided
17 for by law, which fee shall cover docketing of the case, filing of
18 all papers, issuance of process, warrants, orders, and other
19 services to the date of judgment:

20 1. For each defendant convicted of
21 exceeding the speed limit by at least
22 one (1) mile per hour but not more
23 than ten (10) miles per hour, whether

- 1 charged individually or conjointly
- 2 with others.....\$77.00
- 3 2. For each defendant convicted of a
- 4 misdemeanor traffic violation other
- 5 than an offense provided for in
- 6 paragraph 1 or 5 of this subsection,
- 7 whether charged individually or
- 8 conjointly with others.....\$98.00
- 9 3. For each defendant convicted of a
- 10 misdemeanor, other than for driving
- 11 under the influence of alcohol or
- 12 other intoxicating substance or an
- 13 offense provided for in paragraph 1 or
- 14 2 of this subsection, whether charged
- 15 individually or conjointly with others.....\$93.00
- 16 4. For each defendant convicted of a
- 17 felony, other than for driving under
- 18 the influence of alcohol or other
- 19 intoxicating substance, whether
- 20 charged individually or conjointly
- 21 with others.....\$103.00
- 22 5. For each defendant convicted of the
- 23 misdemeanor of driving under the

1 influence of alcohol or other
2 intoxicating substance, whether charged
3 individually or conjointly with others..... \$433.00

4 6. For each defendant convicted of the
5 felony of driving under the influence
6 of alcohol or other intoxicating
7 substance, whether charged
8 individually or conjointly with others.....\$433.00

9 7. For the services of a court reporter at
10 each preliminary hearing and trial
11 held in the case.....\$20.00

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

13 9. A sheriff's fee for serving or
14 endeavoring to serve each writ,
15 warrant, order, process, command, or
16 notice or pursuing any fugitive from
17 justice

18 a. within the county..... \$50.00, or
19 mileage as
20 established by the
21 Oklahoma Statutes,
22 whichever is
23 greater, or

1 case for each offense; and the sum of Twenty-five Dollars (\$25.00)
2 shall be assessed and collected in every felony case for each
3 offense for driving under the influence of alcohol or other
4 intoxicating substance.

5 D. In addition to the amounts collected pursuant to subsections
6 A and B of this section, the sum of ~~Ten Dollars (\$10.00)~~ Twenty-five
7 Dollars (\$25.00) shall be assessed and credited to the Oklahoma
8 Court Information System Revolving Fund created pursuant to Section
9 1315 of Title 20 of the Oklahoma Statutes.

10 E. In addition to the amount collected pursuant to paragraphs 1
11 through 6 of subsection A of this section, the sum of Ten Dollars
12 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee
13 Account in the county in which the conviction occurred for the
14 purpose of enhancing existing or providing additional courthouse
15 security.

16 F. In addition to the amounts collected pursuant to paragraphs
17 1 through 6 of subsection A of this section, the sum of Three
18 Dollars (\$3.00) shall be assessed and credited to the Office of the
19 Attorney General Victim Services Unit.

20 G. In addition to the amounts collected pursuant to paragraphs
21 1 through 6 of subsection A of this section, the sum of Three
22 Dollars (\$3.00) shall be assessed and credited to the Child Abuse
23 Multidisciplinary Account.

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

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

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

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.~~ J. 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 ~~F.~~ K. 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.~~ L. A court clerk may accept in payment for any fee, fine, ~~or~~
17 ~~cost for violation of any traffic law~~ forfeiture payment, cost,
18 penalty assessment or other charge or collection to be assessed or
19 collected by a court clerk pursuant to this section a nationally
20 recognized credit card or debit card ~~issued to the applicant or~~
21 other electronic payment method as provided in paragraph 1 of
22 subsection B of Section 151 of this title. ~~The court clerk shall~~
23 ~~publicly post and collect a fee for the acceptance of the nationally~~

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

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

1 SECTION 6. 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

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

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

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

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

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

1 SECTION 7. AMENDATORY 38 O.S. 2001, Section 20.1, is
2 amended to read as follows:

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

7 OATH

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

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

18 _____
19 (Signature or mark of general jury panel member)

20 _____
21 (Signature of court clerk) (Date)

22 B. The oath or affirmation provided for in subsection A of this
23 section shall be administered by the chief judge of the district

1 court or, during ~~his~~ the absence or disability of the chief judge,
2 by some other judge assigned to the district court in the county,
3 and once subscribed to, shall be maintained in the office of the
4 court clerk as a judicial record.

5 SECTION 8. AMENDATORY 38 O.S. 2001, Section 28, as last
6 amended by Section 42, Chapter 1, O.S.L. 2005 (38 O.S. Supp. 2005,
7 Section 28), is amended to read as follows:

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

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

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

21 1. The prospective juror has a mental or physical condition
22 that causes him or her to be incapable of performing jury service.
23 The juror, or the juror's personal representative, shall provide the

1 court with documentation from a physician licensed to practice
2 medicine verifying that a mental or physical condition renders the
3 person unfit for jury service for a period of up to twenty-four (24)
4 months; or

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

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

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

20 3. The court in its discretion finds good cause to excuse the
21 juror.

22 E. D. Persons who are not qualified to serve as jurors are:

23 1. Justices of the Supreme Court or the Court of Civil Appeals;

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

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

16 SECTION 9. AMENDATORY 68 O.S. 2001, Section 205, as last
17 amended by Section 1, Chapter 281, O.S.L. 2006 (68 O.S. Supp. 2006,
18 Section 205), is amended to read as follows:

19 Section 205. A. The records and files of the Oklahoma Tax
20 Commission concerning the administration of the Uniform Tax
21 Procedure Code or of any state tax law shall be considered
22 confidential and privileged, except as otherwise provided for by
23 law, and neither the Tax Commission nor any employee engaged in the

1 administration of the Tax Commission or charged with the custody of
2 any such records or files nor any person who may have secured
3 information from the Tax Commission shall disclose any information
4 obtained from the records or files or from any examination or
5 inspection of the premises or property of any person.

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

20 C. The provisions of this section shall not prevent the Tax
21 Commission from disclosing the following information and no
22 liability whatsoever, civil or criminal, shall attach to any member

1 of the Tax Commission or any employee thereof for any error or
2 omission in the disclosure of such information:

3 1. The delivery to a taxpayer or a duly authorized
4 representative of the taxpayer of a copy of any report or any other
5 paper filed by the taxpayer pursuant to the provisions of the
6 Uniform Tax Procedure Code or of any state tax law;

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

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

13 4. The examination of records and files by the State Auditor
14 and Inspector or the duly authorized agents of the State Auditor and
15 Inspector;

16 5. The disclosing of information or evidence to the Oklahoma
17 State Bureau of Investigation, Attorney General, Oklahoma State
18 Bureau of Narcotics and Dangerous Drugs Control, any district
19 attorney, or agent of any federal law enforcement agency when the
20 information or evidence is to be used by such officials to
21 investigate or prosecute violations of the criminal provisions of
22 the Uniform Tax Procedure Code or of any state tax law or of any
23 federal crime committed against this state. Any information

1 disclosed to the Oklahoma State Bureau of Investigation, Attorney
2 General, Oklahoma State Bureau of Narcotics and Dangerous Drugs
3 Control, any district attorney, or agent of any federal law
4 enforcement agency shall be kept confidential by such person and not
5 be disclosed except when presented to a court in a prosecution for
6 violation of the tax laws of this state or except as specifically
7 authorized by law, and a violation by the Oklahoma State Bureau of
8 Investigation, Attorney General, Oklahoma State Bureau of Narcotics
9 and Dangerous Drugs Control, district attorney, or agent of any
10 federal law enforcement agency by otherwise releasing the
11 information shall be a felony;

12 6. The use by any division of the Tax Commission of any
13 information or evidence in the possession of or contained in any
14 report or return filed with any other division of the Tax
15 Commission;

16 7. The furnishing, at the discretion of the Tax Commission, of
17 any information disclosed by its records or files to any official
18 person or body of this state, any other state, the United States, or
19 foreign country who is concerned with the administration or
20 assessment of any similar tax in this state, any other state or the
21 United States. The provisions of this paragraph shall include the
22 furnishing of information by the Tax Commission to a county assessor
23 to determine the amount of gross household income pursuant to the

1 provisions of Section 8C of Article X of the Oklahoma Constitution
2 or Section 2890 of this title. The Tax Commission shall promulgate
3 rules to give guidance to the county assessors regarding the type of
4 information which may be used by the county assessors in determining
5 the amount of gross household income pursuant to Section 8C of
6 Article X of the Oklahoma Constitution or Section 2890 of this
7 title. The provisions of this paragraph shall also include the
8 furnishing of information to the State Treasurer for the purpose of
9 administration of the Uniform Unclaimed Property Act;

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

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

22 10. The furnishing of information requested by any member of
23 the general public and stated in the findings of the Tax Commission

1 as to the adjustment and equalization of the valuation of real and
2 personal property of the counties of the state, which are submitted
3 to and certified by the State Board of Equalization pursuant to the
4 provisions of Section 2865 of this title and Section 21 of Article X
5 of the Oklahoma Constitution;

6 11. The furnishing of information to an Oklahoma wholesaler of
7 low-point beer, licensed under the provisions of Section 163.1 et
8 seq. of Title 37 of the Oklahoma Statutes, of the licensed retailers
9 authorized by law to purchase low-point beer in this state or the
10 furnishing of information to a licensed Oklahoma wholesaler of
11 shipments by licensed manufacturers into this state;

12 12. The furnishing of information as to the issuance or
13 revocation of any tax permit, license or exemption by the Tax
14 Commission as provided for by law. Such information shall be
15 limited to the name of the person issued the permit, license or
16 exemption, the name of the business entity authorized to engage in
17 business pursuant to the permit, license or exemption, the address
18 of the business entity, and the grounds for revocation;

19 13. The posting of notice of revocation of any tax permit or
20 license upon the premises of the place of business of any business
21 entity which has had any tax permit or license revoked by the Tax
22 Commission as provided for by law. Such notice shall be limited to
23 the name of the person issued the permit or license, the name of the

1 business entity authorized to engage in business pursuant to the
2 permit or license, the address of the business entity, and the
3 grounds for revocation;

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

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

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

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

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

1 19. The disclosure to an employer, as defined in Sections
2 2385.1 and 2385.3 of this title, of information required in order to
3 collect the tax imposed by Section 2385.2 of this title;

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

8 21. The disclosure of information directly involved in the
9 resolution of the protest by a taxpayer to an assessment of tax or
10 additional tax or the resolution of a claim for refund filed by a
11 taxpayer, including the disclosure of the pendency of an
12 administrative proceeding involving such protest or claim, to a
13 person called by the Tax Commission as an expert witness or as a
14 witness whose area of knowledge or expertise specifically addresses
15 the issue addressed in the protest or claim for refund. Such
16 disclosure to a witness shall be limited to information pertaining
17 to the specific knowledge of that witness as to the transaction or
18 relationship between taxpayer and witness;

19 22. The disclosure of information necessary to implement an
20 agreement authorized by Section 2702 of this title when such
21 information is directly involved in the resolution of issues arising
22 out of the enforcement of a municipal sales tax ordinance. Such

1 disclosure shall be to the governing body or to the municipal
2 attorney, if so designated by the governing body;

3 23. The furnishing of information regarding incentive payments
4 made pursuant to the provisions of Sections 3601 through 3609 of
5 this title or incentive payments made pursuant to the provisions of
6 Sections 3501 through 3508 of this title;

7 24. The furnishing to a prospective purchaser of any business,
8 or his or her authorized representative, of information relating to
9 any liabilities, delinquencies, assessments or warrants of the
10 prospective seller of the business which have not been filed of
11 record, established, or become final and which relate solely to the
12 seller's business. Any disclosure under this paragraph shall only
13 be allowed upon the presentment by the prospective buyer, or the
14 buyer's authorized representative, of the purchase contract and a
15 written authorization between the parties;

16 25. The furnishing of information as to the amount of state
17 revenue affected by the issuance or granting of any tax permit,
18 license, exemption, deduction, credit or other tax preference by the
19 Tax Commission as provided for by law. Such information shall be
20 limited to the type of permit, license, exemption, deduction, credit
21 or other tax preference issued or granted, the date and duration of
22 such permit, license, exemption, deduction, credit or other tax
23 preference and the amount of such revenue. The provisions of this

1 paragraph shall not authorize the disclosure of the name of the
2 person issued such permit, license, exemption, deduction, credit or
3 other tax preference, or the name of the business entity authorized
4 to engage in business pursuant to the permit, license, exemption,
5 deduction, credit or other tax preference;

6 26. The examination of records and files of a person or entity
7 by the Oklahoma State Bureau of Narcotics and Dangerous Drugs
8 Control pursuant to a court order by a magistrate in whose
9 territorial jurisdiction the person or entity resides, or where the
10 Tax Commission records and files are physically located. Such an
11 order may only be issued upon a sworn application by an agent of the
12 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,
13 certifying that the person or entity whose records and files are to
14 be examined is the target of an ongoing investigation of a felony
15 violation of the Uniform Controlled Dangerous Substances Act and
16 that information resulting from such an examination would likely be
17 relevant to that investigation. Any records or information obtained
18 pursuant to such an order may only be used by the Oklahoma State
19 Bureau of Narcotics and Dangerous Drugs Control in the investigation
20 and prosecution of a felony violation of the Uniform Controlled
21 Dangerous Substances Act. Any such order issued pursuant to this
22 paragraph, along with the underlying application, shall be sealed
23 and not disclosed to the person or entity whose records were

1 examined, for a period of ninety (90) days. The issuing magistrate
2 may grant extensions of such period upon a showing of good cause in
3 furtherance of the investigation. Upon the expiration of ninety
4 (90) days and any extensions granted by the magistrate, a copy of
5 the application and order shall be served upon the person or entity
6 whose records were examined, along with a copy of the records or
7 information actually provided by the Tax Commission; ~~or~~

8 27. The disclosure of information, as prescribed by this
9 paragraph, which is related to the proposed or actual usage of tax
10 credits pursuant to Section 2357.7 of this title, the Small Business
11 Capital Formation Incentive Act or the Rural Venture Capital
12 Formation Incentive Act. Unless the context clearly requires
13 otherwise, the terms used in this paragraph shall have the same
14 meaning as defined by Section 2357.7, 2357.61 or 2357.72 of this
15 title. The disclosure of information authorized by this paragraph
16 shall include:

- 17 a. the legal name of any qualified venture capital
18 company, qualified small business capital company, or
19 qualified rural small business capital company,
20 b. the identity or legal name of any person or entity
21 that is a shareholder or partner of a qualified
22 venture capital company, qualified small business

1 capital company, or qualified rural small business
2 capital company,
3 c. the identity or legal name of any Oklahoma business
4 venture, Oklahoma small business venture, or Oklahoma
5 rural small business venture in which a qualified
6 investment has been made by a capital company, or
7 d. the amount of funds invested in a qualified venture
8 capital company, the amount of qualified investments
9 in a qualified small business capital company or
10 qualified rural small business capital company and the
11 amount of investments made by a qualified venture
12 capital company, qualified small business capital
13 company, or qualified rural small business capital
14 company; or

15 28. The disclosure of information required in order to comply
16 with the provisions of Section 18 of Title 38 of the Oklahoma
17 Statutes.

18 D. The Tax Commission shall cause to be prepared and made
19 available for public inspection in the office of the Tax Commission
20 in such manner as it may determine an annual list containing the
21 name and post office address of each person, whether individual,
22 corporate, or otherwise, making and filing an income tax return with
23 the Tax Commission.

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

5 E. The Tax Commission shall prepare or cause to be prepared a
6 report on all provisions of state tax law that reduce state revenue
7 through exclusions, deductions, credits, exemptions, deferrals or
8 other preferential tax treatments. The report shall be prepared not
9 later than October 1 of each even-numbered year and shall be
10 submitted to the Governor, the President Pro Tempore of the Senate
11 and the Speaker of the House of Representatives. The Tax Commission
12 may prepare and submit supplements to the report at other times of
13 the year if additional or updated information relevant to the report
14 becomes available. The report shall include, for the previous
15 fiscal year, the Tax Commission's best estimate of the amount of
16 state revenue that would have been collected but for the existence
17 of each such exclusion, deduction, credit, exemption, deferral or
18 other preferential tax treatment allowed by law. The Tax Commission
19 may request the assistance of other state agencies as may be needed
20 to prepare the report. The Tax Commission is authorized to require
21 any recipient of a tax incentive or tax expenditure to report to the
22 Tax Commission such information as requested so that the Tax
23 Commission may provide the information to the Incentive Review

1 Committee or fulfill its obligations as required by this subsection.
2 The Tax Commission may require this information to be submitted in
3 an electronic format. The Tax Commission may disallow any claim of
4 a person for a tax incentive due to its failure to file a report as
5 required under the authority of this subsection. The Tax Commission
6 may consult with the Incentive Review Committee to develop a
7 reporting system to obtain the information requested in a manner
8 that is the least burdensome on the taxpayer.

9 F. It is further provided that the provisions of this section
10 shall be strictly interpreted and shall not be construed as
11 permitting the disclosure of any other information contained in the
12 records and files of the Tax Commission relating to income tax or to
13 any other taxes.

14 G. Unless otherwise provided for in this section, any violation
15 of the provisions of this section shall constitute a misdemeanor and
16 shall be punishable by the imposition of a fine not exceeding One
17 Thousand Dollars (\$1,000.00) or by imprisonment in the county jail
18 for a term not exceeding one (1) year, or by both such fine and
19 imprisonment, and the offender shall be removed or dismissed from
20 office.

21 H. Offenses described in Section 2376 of this title shall be
22 reported to the appropriate district attorney of this state by the
23 Tax Commission as soon as the offenses are discovered by the Tax

1 Commission or its agents or employees. The Tax Commission shall
2 make available to the appropriate district attorney or to the
3 authorized agent of the district attorney its records and files
4 pertinent to prosecutions, and such records and files shall be fully
5 admissible as evidence for the purpose of such prosecutions.

6 SECTION 10. This act shall become effective July 1, 2007.

7 SECTION 11. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-3-07 - DO PASS,
12 As Amended.