

SUBCOMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1414
Page _____ Section _____ Lines _____
Of the printed Bill
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Gus Blackwell

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 PROPOSED SUBCOMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1414

By: Joyner and Blackwell

7 PROPOSED SUBCOMMITTEE SUBSTITUTE

8 An Act relating to fees; amending 28 O.S. 2001,
9 Section 152, as last amended by Section 1, Chapter
10 420, O.S.L. 2010 (28 O.S. Supp. 2010, Section 152),
11 which relates to civil court fees; establishing fee
12 to be credited to the Oklahoma court-appointed
13 special advocates; establishing fee to be credited to
14 the domestic violence intervention services;
15 establishing fee to be credited to the Supreme Court
16 Revolving Fund; establishing fee to be credited to
17 the Council on Judicial Complaints Revolving Fund;
18 and providing an effective date.

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

20 SECTION 1. AMENDATORY 28 O.S. 2001, Section 152, as last
21 amended by Section 1, Chapter 420, O.S.L. 2010 (28 O.S. Supp. 2010,
22 Section 152), is amended to read as follows:

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

1	1. Actions for divorce, alimony without	
2	divorce, separate maintenance, custody or	
3	support.....	\$143.00
4	2. Any ancillary proceeding to modify or	
5	vacate a divorce decree providing for	
6	custody or support.....	\$43.00
7	3. Probate and guardianship.....	\$135.00
8	4. Annual guardianship report.....	\$33.00
9	5. Any proceeding for sale or lease of real or	
10	personal property or mineral interest in	
11	probate or guardianship.....	\$43.00
12	6. Any proceeding to revoke the probate of a	
13	will.....	\$43.00
14	7. Judicial determination of death.....	\$58.00
15	8. Adoption.....	\$105.00
16	9. Civil actions for an amount of Ten Thousand	
17	Dollars (\$10,000.00) or less and	
18	condemnation.....	\$150.00
19	10. Civil actions for an amount of Ten	
20	Thousand One Dollars (\$10,001.00) or more	\$163.00
21	11. Garnishment.....	\$23.00
22	12. Continuing wage garnishment.....	\$63.00
23	13. Any other proceeding after judgment.....	\$33.00
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1 14. All others, including but not limited to
2 actions for forcible entry and detainer,
3 judgments from all other courts, including
4 the Workers' Compensation Court.....\$85.00

5 15. Notice of renewal of judgment.....\$23.00

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

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

15 D. In addition to the amounts collected pursuant to subsection
16 A of this section, the sum of Six Dollars (\$6.00) shall be assessed
17 and credited to the Oklahoma court-appointed special advocates
18 (OCASA).

19 E. In addition to the amounts collected pursuant to subsection
20 A of this section, the sum of Four Dollars (\$4.00) shall be assessed
21 and credited to the Domestic Violence Intervention Services (DVIS).

22 F. In addition to the amounts collected pursuant to subsection
23 A of this section, the sum of Three Dollars (\$3.00) shall be
24 assessed and credited to the Supreme Court Revolving Fund.

1 G. In addition to the amounts collected pursuant to paragraphs
2 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of subsection A
3 of this section, the sum of Two Dollars (\$2.00) shall be assessed
4 and credited to the Council on Judicial Complaints Revolving Fund.

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

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

5 SECTION 2. This act shall become effective November 1, 2011.

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