

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 1414

6 By: Joyner and Blackwell

7 COMMITTEE 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 Council on Judicial Complaints Revolving Fund;  
15 creating Council on Judicial Complaints Revolving  
16 Fund; specifying type of fund; appropriating monies  
17 credited to the fund for Council purposes; providing  
18 for codification; 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

- 1 be the only charge for court costs, except as is otherwise  
 2 specifically provided for by law:
- 3 1. Actions for divorce, alimony without  
 4 divorce, separate maintenance, custody or  
 5 support.....\$143.00
  - 6 2. Any ancillary proceeding to modify or  
 7 vacate a divorce decree providing for  
 8 custody or support.....\$43.00
  - 9 3. Probate and guardianship.....\$135.00
  - 10 4. Annual guardianship report.....\$33.00
  - 11 5. Any proceeding for sale or lease of real or  
 12 personal property or mineral interest in  
 13 probate or guardianship.....\$43.00
  - 14 6. Any proceeding to revoke the probate of a  
 15 will.....\$43.00
  - 16 7. Judicial determination of death.....\$58.00
  - 17 8. Adoption.....\$105.00
  - 18 9. Civil actions for an amount of Ten Thousand  
 19 Dollars (\$10,000.00) or less and  
 20 condemnation.....\$150.00
  - 21 10. Civil actions for an amount of Ten  
 22 Thousand One Dollars (\$10,001.00) or more .....\$163.00
  - 23 11. Garnishment.....\$23.00
  - 24 12. Continuing wage garnishment.....\$63.00

1 13. Any other proceeding after judgment.....\$33.00

2 14. All others, including but not limited to  
3 actions for forcible entry and detainer,  
4 judgments from all other courts, including  
5 the Workers' Compensation Court.....\$85.00

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

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

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

16 D. In addition to the amounts collected pursuant to subsection  
17 A of this section, the sum of Five Dollars (\$5.00) shall be assessed  
18 and credited to the Oklahoma court-appointed special advocates  
19 (OCASA).

20 E. In addition to the amounts collected pursuant to subsection  
21 A of this section, the sum of Two Dollars (\$2.00) shall be assessed  
22 and credited to the Council on Judicial Complaints Revolving Fund.

23 F. In any case in which a litigant claims to have a just cause  
24 of action and that, by reason of poverty, the litigant is unable to

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

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

22 SECTION 2. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1663 of Title 20, unless there  
24 is created a duplication in numbering, reads as follows:

1        There is hereby created in the State Treasury a revolving fund  
2 for the Council on Judicial Complaints to be designated the "Council  
3 on Judicial Complaints Revolving Fund". The fund shall be a  
4 continuing fund, not subject to fiscal year limitations, and shall  
5 consist of all monies received by the Council from collections  
6 received pursuant to Section 152 of Title 28 of the Oklahoma  
7 Statutes. All monies accruing to the credit of said fund are hereby  
8 appropriated and may be budgeted and expended by the Council for the  
9 purpose of performing the duties imposed upon the Council by law.  
10 Expenditures from said fund shall be made upon warrants issued by  
11 the State Treasurer against claims filed as prescribed by law with  
12 the Director of the Office of State Finance for approval and  
13 payment.

14        SECTION 3. This act shall become effective November 1, 2011.

15

16        53-1-7091            CJB            03/03/11

17

18

19

20

21

22

23

24