

An Act

ENROLLED HOUSE
BILL NO. 1414

By: Joyner and Blackwell of the
House

and

Jolley of the Senate

An Act relating to fees; amending 28 O.S. 2001, Section 152, as last amended by Section 1, Chapter 420, O.S.L. 2010 (28 O.S. Supp. 2010, Section 152), which relates to civil court fees; establishing fee to be credited to the Oklahoma court-appointed special advocates; establishing fee to be credited to the Council on Judicial Complaints Revolving Fund; creating Council on Judicial Complaints Revolving Fund; specifying type of fund; appropriating monies credited to the fund for Council purposes; providing for codification; and providing an effective date.

SUBJECT: Fees collected in civil cases

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

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

Section 152. A. In any civil case filed in a district court, 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. Actions for divorce, alimony without divorce, separate maintenance, custody or support.....\$143.00

2. Any ancillary proceeding to modify or vacate a divorce decree providing for custody or support.....\$43.00
3. Probate and guardianship.....\$135.00
4. Annual guardianship report.....\$33.00
5. Any proceeding for sale or lease of real or personal property or mineral interest in probate or guardianship.....\$43.00
6. Any proceeding to revoke the probate of a will.....\$43.00
7. Judicial determination of death.....\$58.00
8. Adoption.....\$105.00
9. Civil actions for an amount of Ten Thousand Dollars (\$10,000.00) or less and condemnation.....\$150.00
10. Civil actions for an amount of Ten Thousand One Dollars (\$10,001.00) or more\$163.00
11. Garnishment.....\$23.00
12. Continuing wage garnishment.....\$63.00
13. Any other proceeding after judgment.....\$33.00
14. All others, including but not limited to actions for forcible entry and detainer, judgments from all other courts, including the Workers' Compensation Court.....\$85.00
15. Notice of renewal of judgment.....\$23.00

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

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

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

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

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

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

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

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

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

Passed the House of Representatives the 17th day of March, 2011.

Presiding Officer of the House of
Representatives

Passed the Senate the 19th day of April, 2011.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this _____
day of _____, 20____,
at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma the _____ day of
_____, 20____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____
_____ day of _____, 20____,
at _____ o'clock _____ M.

By: _____