

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1469

By: Johnson

4
5 AS INTRODUCED

6 An Act relating to counties and county officers;
7 amending 19 O.S. 2001, Sections 401 and 401.1, which
8 relate to counties providing facilities for courts;
9 requiring reimbursement when counties provide
10 facilities and services for courts; amending 20 O.S.
11 2001, Section 1304, as last amended by Section 116,
12 Chapter 234, O.S.L. 2009 (20 O.S. Supp. 2010, Section
13 1304), which relates to permitted court fund claims;
14 modifying permitted expenses; and providing an
15 effective date.

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

17 SECTION 1. AMENDATORY 19 O.S. 2001, Section 401, is
18 amended to read as follows:

19 Section 401. In any county where there is no courthouse or jail
20 erected by the county, or where those erected have not sufficient
21 capacity, it shall be the duty of the board of county commissioners
22 to provide for court room, jail, and offices for the following named
23 officers: sheriff, treasurer, register of deeds, district clerk,
24 county clerk, district attorney, superintendent of public schools
and judge of the district court, to be furnished by the county in a
suitable building or buildings, for the lowest rent to be obtained
at the county seat, or to secure and occupy suitable rooms at a free

1 rent within the limits of the county seat or any of the additions
2 thereto, until such county builds a courthouse. They shall also
3 provide the courts appointed to be held therein, with attendants,
4 fuel, lights and stationery, suitable and sufficient for the
5 transaction of their business. ~~If the commissioners neglect, the~~
6 ~~court may order the sheriff to make such necessary provision, and~~
7 ~~the expenses incurred by him in carrying the order into effect, when~~
8 ~~certified by the court, shall be a county charge~~ The county shall be
9 reimbursed by the Administrative Office of the Courts for all
10 expenses incurred by the county in providing buildings, courtrooms,
11 attendants, fuel, lights, and stationery for the district court.

12 SECTION 2. AMENDATORY 19 O.S. 2001, Section 401.1, is
13 amended to read as follows:

14 Section 401.1 In any city other than the county seat, within
15 the county, which has been designated as a court or court division
16 city under authority of Sections 95.1 through 95.5, inclusive, of
17 Title 20 of the Oklahoma Statutes, the board of county commissioners
18 may provide suitable and adequate courtroom and office space for the
19 judges of the district court and attendants, for the court clerk and
20 staff, and for a branch of the county law library where established
21 under Section 1202 of Title 20 of the Oklahoma Statutes, to be
22 furnished by the county at a cost to be reimbursed to the county by
23 the Administrative Office of the Courts in a suitable building in
24 such city.

1 The board of county commissioners shall also ~~furnish~~ be
2 reimbursed by the Administrative Office of the Courts for providing
3 electricity, water, other utilities, toilet facilities and
4 janitorial service, suitable and sufficient for the transaction of
5 court business in such facilities.

6 SECTION 3. AMENDATORY 20 O.S. 2001, Section 1304, as
7 last amended by Section 116, Chapter 234, O.S.L. 2009 (20 O.S. Supp.
8 2010, Section 1304), is amended to read as follows:

9 Section 1304. A. Claims against the court fund shall include
10 only expenses lawfully incurred for the operation of the court in
11 each county. Payment of the expenses may be made after the claim is
12 approved by the district judge who is a member of the governing
13 board of the court fund and either the local court clerk or the
14 local associate district judge who is a member of the governing
15 board. No expenditures falling into any category listed in
16 paragraphs 1, 5, 6, 7 and 13 of subsection B of this section, may be
17 made without prior written approval of the Chief Justice of the
18 Supreme Court. The Supreme Court may provide by rule the manner in
19 which expenditures in the restricted categories shall be submitted
20 for approval. When allowing the expenditures in paragraphs 6 and 7
21 of subsection B of this section, the Chief Justice shall direct that
22 resort first be had to the surplus funds in the court fund in the
23 county involved.

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1 B. The term "expenses" shall include the following items and
2 none others:

3 1. Compensation of bailiffs and employees of the court fund;

4 2. Juror fees and mileage, as well as overnight accommodation
5 and food expense for jurors kept together as set out in Section 81
6 et seq. of Title 28 of the Oklahoma Statutes;

7 3. Witness fees and mileage for witnesses subpoenaed by the
8 defense as set out in Section 81 et seq. of Title 28 of the Oklahoma
9 Statutes, except that expert witnesses for county indigent defenders
10 shall be paid a reasonable fee for their services;

11 4. Office supplies, books for records, postage, and printing;

12 5. Furniture, fixtures, and equipment;

13 6. Renovating, remodeling, and maintenance of courtrooms,
14 judge's chambers, clerk's offices, and other areas primarily used
15 for judicial functions;

16 7. Rent for courtroom facilities inside and outside the
17 courthouse;

18 8. Judicial robes;

19 9. Attorney fees for indigents in the trial court and on
20 appeal;

21 10. Compensation or reimbursement for services provided in
22 connection with an adult guardianship proceeding as provided by
23 Section 4-403 of Title 30 of the Oklahoma Statutes. Compensation
24 from the court fund for attorneys appointed pursuant to the Oklahoma

1 Guardianship Act shall be substantially the same as for attorneys
2 appointed in juvenile proceedings pursuant to Title 10A of the
3 Oklahoma Statutes. The compensation, if any, for guardians ad litem
4 appointed pursuant to the Oklahoma Guardianship Act shall not exceed
5 One Hundred Dollars (\$100.00);

6 11. Transcripts ordered by the court;

7 12. Necessary telephone expenses, gas, water, and electrical
8 utilities for the part of the county courthouse and other county
9 buildings occupied by the court and other areas used for court
10 functions;

11 13. Security expenses for the part of the county courthouse
12 occupied by the court and other areas used for court functions;

13 14. The cost of publication notice in juvenile proceedings as
14 provided in Section 1-4-304 of Title 10A of the Oklahoma Statutes
15 and in termination of parental rights proceedings brought by the
16 state as provided in Section 1-4-905 of Title 10A of the Oklahoma
17 Statutes;

18 15. Interpreter fees;

19 16. Necessary travel expenses of the office of county indigent
20 defender approved by the court fund governing board;

21 17. Rent for county indigent defender's office outside of the
22 county courthouse;

23 18. Computer equipment for county indigent defender's office;

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1 19. Reasonable compensation for expert, investigative, or other
2 services authorized by the court for indigent defendants not
3 represented by a county indigent defender or the Oklahoma Indigent
4 Defense System, if requested;

5 20. Necessary training for the judges and court personnel on
6 the court integrated computer system; and

7 21. Any other expenses now or hereafter expressly authorized by
8 statute.

9 C. Nothing in Section 1301 et seq. of this title shall prevent
10 the construction of additional courtrooms within existing courthouse
11 facilities, from funds other than the court fund.

12 D. Items of equipment, furniture, fixtures, printing, or
13 supplies that are available in the quantities desired from a
14 contract vendor's list for order or purchase by the court fund
15 through the facilities of the Central Purchasing Division of the
16 Department of Central Services may not be purchased by any court
17 fund at prices higher than those approved by the Director of Central
18 Purchasing.

19 SECTION 4. This act shall become effective November 1, 2011.

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