

1 STATE OF OKLAHOMA

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

3 SENATE BILL 338

By: Sparks

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5
6 AS INTRODUCED

7 An Act relating to legal services for indigent
8 persons; amending 12 O.S. 2001, Section 921.1, which
9 relates to the Legal Services Revolving Fund;
10 updating language; and providing an effective date.

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

12 SECTION 1. AMENDATORY 12 O.S. 2001, Section 921.1, is
13 amended to read as follows:

14 Section 921.1. A. The Supreme Court shall allocate funds from
15 the Legal Services Revolving Fund to provide legal representation to
16 indigent persons in this state in civil legal matters to the extent
17 that funds are available from the Legal Services Revolving Fund.
18 The Administrative Director of the Courts shall be responsible for
19 allocating these funds pursuant to contract with eligible regional
20 or statewide organizations which ordinarily render legal services to
21 indigent persons. The funds shall be allocated for the benefit of
22 indigent clients in all seventy-seven (77) counties of Oklahoma on a
23 pro rata basis, utilizing an allocation formula that distributes
24 funds according to the number of residents whose incomes are less

1 than the official United States federal poverty guidelines, based on
2 the United States census data, as a percentage of the total number
3 of these residents in this state and which reserves funds for
4 services for specialized areas of law.

5 B. As used in this section, "eligible organization" means an
6 entity that:

7 1. Is organized as a not-for-profit corporation that is tax
8 exempt pursuant to the provisions of paragraph (3) of subsection (c)
9 of Section 501 of the United States Internal Revenue Code of 1986,
10 as amended;

11 2. Has as its primary purpose the furnishing of legal
12 assistance to eligible clients;

13 3. Has a board of directors or other governing body the
14 majority of which is comprised of attorneys who are admitted to
15 practice in this state and who are approved to serve on such body by
16 the governing bodies of the state or county bar associations and has
17 at least one-third of the membership who, when selected, are
18 eligible clients; and

19 4. Is incorporated pursuant to any applicable laws of this
20 state.

21 C. As a condition of the contract, the organization shall be
22 required to determine the eligibility of any person seeking legal
23 services pursuant to this section.

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1 D. The Administrative Director of the Courts shall prepare
2 annually and distribute to the Judiciary committees of the Senate
3 and the House of Representatives, the Legal Services Committee of
4 the Oklahoma Bar Association, and the Supreme Court a report
5 detailing expenditures of funds for representation to indigent
6 persons in civil legal matters.

7 E. Each organization that contracts to provide legal services
8 pursuant to subsection A of this section shall maintain books and
9 records in accordance with generally accepted accounting principles.
10 The books and records shall account for the receipt and expenditure
11 of all funds paid pursuant to contract. Books and records shall be
12 maintained for a period of five (5) years from the close of the
13 fiscal year of the contract period. The State Auditor and Inspector
14 shall audit each organization annually. The necessary expense of
15 each audit, including, but not limited to, the cost of typing,
16 printing, and binding, shall be paid from funds of the organization.
17 In lieu of the audit by the State Auditor and Inspector, the
18 organization may submit an audit prepared by an independent auditing
19 firm for compliance with federal auditing requirements. A copy of
20 the audit prepared by or submitted to the State Auditor and
21 Inspector shall be submitted to the Administrative Director of the
22 Courts.

23 F. Funds for representation of indigent persons in civil legal
24 matters shall be limited to family law legal services with priority

1 given to cases involving domestic and family violence and abuse. In
2 no event shall such funds ever be used for any of the following
3 activities:

4 1. Provision of legal services in a fee-generating case unless
5 appropriate private representation is not available;

6 2. Provision of legal services in any criminal proceeding;

7 3. Provision of legal services collaterally attacking the
8 validity of a criminal conviction;

9 4. Provision of legal services which seek to procure an
10 abortion;

11 5. Provision of legal representation relating to the
12 desegregation of any school or school system;

13 6. Provision of legal services involving any proceeding derived
14 from the Military Selective Service Act;

15 7. Provision of legal services to advocate for or oppose any
16 altering of a legislative, judicial, or elective district at any
17 level of government; and

18 8. Provision of legal services to challenge a census of the
19 United States of America.

20 G. There is hereby created in the State Treasury a revolving
21 fund for the Oklahoma Supreme Court to be designated the "Legal
22 Services Revolving Fund". The fund shall be a continuing fund, not
23 subject to fiscal year limitations, and shall consist of all monies
24 received by the Oklahoma Supreme Court for indigent legal services

1 from funds appropriated to the fund, federal funds, gifts,
2 donations, and grants. All monies accruing to the credit of ~~said~~
3 the fund are hereby appropriated and may be budgeted and expended by
4 the Administrative Director of the Courts for the purpose of
5 providing legal services to indigent clients pursuant to the
6 provisions of this section. Expenditures from ~~said~~ the fund shall
7 be made upon warrants issued by the State Treasurer against claims
8 filed as prescribed by law with the Director of State Finance for
9 approval and payment.

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

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