

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1141

By: Jolley and Holt of the
Senate

and

McCullough and Inman of the
House

11 COMMITTEE SUBSTITUTE

12 An Act relating to fees for civil cases; amending 28
13 O.S. 2011, Section 152, which relates to flat-fee
14 schedule; modifying certain assessment; providing
assessment for certain purpose; and declaring an
emergency.

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

18 SECTION 1. AMENDATORY 28 O.S. 2011, Section 152, is
19 amended to read as follows:

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

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 Five Dollars (\$5.00) 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 ~~Two Dollars (\$2.00)~~ One Dollar and
21 thirty-five cents (\$1.35) shall be assessed and credited to the
22 Council on Judicial Complaints Revolving Fund.

23 F. In addition to the amounts collected pursuant to subsection
24 A of this section, the sum of sixty-five cents (\$0.65) shall be

1 assessed and credited to the State Judicial Revolving Fund to be
2 used for Access to Justice duties and responsibilities imposed on
3 the district courts under the superintending control of the Supreme
4 Court.

5 G. 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 ~~G.~~ H. 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. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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10 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
11 04/10/2014 - DO PASS, As Amended.

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