

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1833

By: Williams

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5
6 AS INTRODUCED

7 An Act relating to fees; amending 28 O.S. 2011,
8 Section 86, which relates to jurors' fees; providing
9 a fee for mental health counseling in certain
10 circumstances; providing an effective date; and
11 declaring an emergency.

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

13 SECTION 1. AMENDATORY 28 O.S. 2011, Section 86, is
14 amended to read as follows:

15 Section 86. A. Jurors shall be paid the following fees out of
16 the local court fund:

17 1. For each day's attendance before any court of record, Twenty
18 Dollars (\$20.00); ~~and~~

19 2. For mileage going to and returning from jury service each
20 day, pursuant to the provisions of the State Travel Reimbursement
21 Act; and

22 3. If approved by the court, for posttrial mental health
23 counseling for any juror whose jury duty involved a heinous case, in
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1 an amount to be determined by the court in accordance with rules
2 promulgated by the Supreme Court.

3 B. The Court Fund Board of the district court may contract for
4 or provide reimbursement for parking for district court jurors to be
5 paid from the Court Fund. Parking so provided to jurors shall be in
6 lieu of any reimbursement to jurors for parking fees.

7 C. The provisions of this section shall not apply to any person
8 who is summoned for jury duty and who is excused from serving
9 pursuant to the provisions of subsection A of Section 28 of Title 38
10 of the Oklahoma Statutes, beginning on the day the person is excused
11 from service.

12 D. The Supreme Court shall promulgate rules to establish a
13 Lengthy Trial Fund that shall be used to provide full or partial
14 wage replacement or wage supplementation to jurors who serve as
15 petit jurors for more than ten (10) days.

16 1. The court rules shall provide for the selection and
17 appointment of an Administrator for the fund; procedures for the
18 administration of the fund, including payments of salaries of the
19 Administrator and other necessary personnel; procedures for the
20 accounting, auditing and investment of money in the Lengthy Trial
21 Fund; and a report by the Supreme Court on the administration of the
22 Lengthy Trial Fund included in its annual report on the judicial
23 branch, setting forth the money collected for and disbursed from the
24 fund.

1 2. The clerk of the court shall collect from each attorney who
2 files a civil case, unless otherwise exempted under the provisions
3 of this section, a fee of Ten Dollars (\$10.00) per case to be paid
4 into the Lengthy Trial Fund. A lawyer will be deemed to have filed
5 a case at the time the first pleading or other filing on which an
6 individual lawyer's name appears is submitted to the court for
7 filing and opens a new case. All such fees shall be forwarded to
8 the Administrator of the Lengthy Trial Fund for deposit.

9 3. The Administrator shall use the fees deposited in the
10 Lengthy Trial Fund to pay full or partial wage replacement or
11 supplementation to jurors whose employers pay less than full regular
12 wages when the period of jury service lasts more than ten (10) days.

13 4. The court may pay replacement or supplemental wages of up to
14 Two Hundred Dollars (\$200.00) per day per juror beginning on the
15 eleventh day of jury service. In addition, for any jurors who
16 qualify for payment by serving on a jury for more than ten (10)
17 days, the court may, upon finding that such service posed a
18 significant financial hardship to a juror, even in light of payments
19 made with respect to jury service after the tenth day, award
20 replacement or supplemental wages of up to Fifty Dollars (\$50.00)
21 per day from the fourth to the tenth day of jury service.

22 5. Any juror who is serving or has served on a jury that
23 qualifies for payment from the Lengthy Trial Fund, provided the
24 service commenced on or after the effective date of this act, may

1 submit a request for payment from the Lengthy Trial Fund on a form
2 provided by the Administrator. Payment shall be limited to the
3 difference between the state-paid jury fee and the actual amount of
4 wages a juror earns, up to the maximum level payable, minus any
5 amount the juror actually receives from the employer during the same
6 time period. The form shall disclose the juror's regular wages, the
7 amount the employer will pay during the term of jury service
8 starting on the eleventh day and thereafter, the amount of
9 replacement or supplemental wages requested, and any other
10 information the Administrator deems necessary for proper payment.
11 The juror shall be required to submit verification from the employer
12 as to the wage information provided to the Administrator, including
13 but not limited to the employee's most recent earnings statement or
14 similar document, prior to initiation of payment from the fund. If
15 an individual is self-employed or receives compensation other than
16 wages, the individual may provide a sworn affidavit attesting to his
17 or her approximate gross weekly income, together with such other
18 information as the Administrator may require, in order to verify
19 weekly income.

20 6. The following attorneys and causes of action are exempt from
21 payment of the Lengthy Trial Fund fee:

- 22 a. government attorneys entering appearances in the
- 23 course of their official duties,
- 24 b. pro se litigants,

- 1 c. cases in small claims court or the state equivalent
2 thereof, or
- 3 d. claims seeking social security disability
4 determinations, individual veterans' compensation or
5 disability determinations, recoupment actions for
6 government-backed educational loans or mortgages,
7 child custody and support cases, actions brought in
8 forma pauperis, and any other filings designated by
9 rule that involve minimal use of court resources and
10 that customarily are not afforded the opportunity for
11 a trial by jury.

12 SECTION 2. This act shall become effective July 1, 2013.

13 SECTION 3. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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18 54-1-5005 SD 12/26/12
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