STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

SENATE BILL 1141 By: Jolley of the Senate

and

McCullough of the House

AS INTRODUCED

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

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

SECTION 1. AMENDATORY 28 O.S. 2011, 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)~~ <u>One Dollar and Thirty-five cents ($1.35)</u> 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.

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

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