

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

SENATE BILL 1755

By: David

AS INTRODUCED

An Act relating to fees; amending 28 O.S. 2011, Section 152, which relates to court fees; prescribing certain fees to be collected by clerk of the district court in each county; creating Court Clerk's Records Management and Preservation Funds in each county; providing for deposits thereto and expenditures therefrom; requiring certain reports; providing for audit and review of funds; creating Records Management and Preservation Board in each county; specifying duties and membership; providing for codification; providing an effective date; 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

1	2.	Any ancillary proceeding to modify or	
2		vacate a divorce decree providing for	
3		custody or support.....	\$43.00
4	3.	Probate and guardianship.....	\$135.00
5	4.	Annual guardianship report.....	\$33.00
6	5.	Any proceeding for sale or lease of real or	
7		personal property or mineral interest in	
8		probate or guardianship.....	\$43.00
9	6.	Any proceeding to revoke the probate of a	
10		will.....	\$43.00
11	7.	Judicial determination of death.....	\$58.00
12	8.	Adoption.....	\$105.00
13	9.	Civil actions for an amount of Ten Thousand	
14		Dollars (\$10,000.00) or less and	
15		condemnation.....	\$150.00
16	10.	Civil actions for an amount of Ten	
17		Thousand One Dollars (\$10,001.00) or more	\$163.00
18	11.	Garnishment.....	\$23.00
19	12.	Continuing wage garnishment.....	\$63.00
20	13.	Any other proceeding after judgment.....	\$33.00
21	14.	All others, including but not limited to	
22		actions for forcible entry and detainer,	
23		judgments from all other courts, including	
24		the Workers' Compensation Court.....	\$85.00

1 15. Notice of renewal of judgment.....\$23.00

2 B. In addition to the amounts collected pursuant to paragraphs
3 1, 3, 7, 8, 9, 10 and 14 of subsection A of this section, the sum of
4 Six Dollars (\$6.00) shall be assessed and credited to the Law
5 Library Fund.

6 C. In addition to the amounts collected pursuant to subsections
7 A and B of this section, the sum of Twenty-five Dollars (\$25.00)
8 shall be assessed and credited to the Oklahoma Court Information
9 System Revolving Fund created pursuant to Section 1315 of Title 20
10 of the Oklahoma Statutes.

11 D. In addition to the amounts collected pursuant to subsection
12 A of this section, the sum of Five Dollars (\$5.00) shall be assessed
13 and credited to the Oklahoma court-appointed special advocates
14 (OCASA).

15 E. In addition to the amounts collected pursuant to subsection
16 A of this section, the sum of Two Dollars (\$2.00) shall be assessed
17 and credited to the Council on Judicial Complaints Revolving Fund.

18 F. In addition to the amounts collected pursuant to subsection
19 A of this section, the sum of Ten Dollars (\$10.00) shall be assessed
20 and credited to the Court Clerk's Records Management and
21 Preservation Fund created in Section 2 of this act.

22 G. In any case in which a litigant claims to have a just cause
23 of action and that, by reason of poverty, the litigant is unable to
24 pay the fees and costs provided for in this section and is

1 financially unable to employ counsel, upon the filing of an
2 affidavit in forma pauperis executed before any officer authorized
3 by law to administer oaths to that effect and upon satisfactory
4 showing to the court that the litigant has no means and is,
5 therefore, unable to pay the applicable fees and costs and to employ
6 counsel, no fees or costs shall be required. The opposing party or
7 parties may file with the court clerk of the court having
8 jurisdiction of the cause an affidavit similarly executed
9 contradicting the allegation of poverty. In all such cases, the
10 court shall promptly set for hearing the determination of
11 eligibility to litigate without payment of fees or costs. Until a
12 final order is entered determining that the affiant is ineligible,
13 the clerk shall permit the affiant to litigate without payment of
14 fees or costs. Any litigant executing a false affidavit or counter
15 affidavit pursuant to the provisions of this section shall be guilty
16 of perjury.

17 ~~G.~~ H. Payments to the court clerk for fees and costs assessed
18 pursuant to this section may be made by a nationally recognized
19 credit or debit card or other electronic payment method as provided
20 in paragraph 1 of subsection B of Section 151 of this title.

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 31.3 of Title 28, unless there
23 is created a duplication in numbering, reads as follows:

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1 A. For the purpose of preserving, maintaining, archiving and
2 protecting recorded instruments within the office of clerk of the
3 district court, including but not limited to, records management,
4 preservation, automation and modernization and related lawful
5 expenditures, in addition to all other fees required by law, the
6 clerk of the district court in each county shall collect the fees
7 prescribed in subsection F of Section 152 of Title 28 of the
8 Oklahoma Statutes.

9 B. There is hereby created a fund in each county to be known as
10 the "Court Clerk's Records Management and Preservation Fund." Each
11 fund shall be a continuing fund, not subject to fiscal year
12 limitations, and shall consist of revenues from the fees prescribed
13 in subsection F of Section 152 of Title 28 of the Oklahoma Statutes.
14 All monies accruing to each fund shall be expended by the clerk of
15 the district court subject to the provisions of subsection D of this
16 section and shall not be transferred to any other fund. Each fund
17 shall be retained and used for the preservation of court records
18 maintained within the county in which such fees are collected.

19 C. Each clerk of the district court shall compile a report to
20 the Board of County Commissioners within each county on a monthly
21 basis detailing the funds collected, funds expended and the nature
22 of each expenditure. The report shall constitute a full accounting
23 record of these transactions. A copy of the report shall be
24 furnished to the Administrative Director of the Courts for review.

1 Each fund shall be subject to audit and review by the Office of the
2 State Auditor and Inspector.

3 D. A Records Management and Preservation Board is hereby
4 created within each county to approve any expenditure from the fund.
5 No such expenditure may be made without the written approval of at
6 least two members of the Board. Members of the Board shall be the
7 district court judge, the associate district court judge and the
8 clerk of the district court within each county.

9 E. The Administrative Director of the Courts shall annually
10 submit a report on the revenues and expenditures from each fund
11 created pursuant to the provisions of this section to the chairs of
12 the Senate and House of Representatives subcommittees charged with
13 appropriations for the judicial branch of state government.

14 SECTION 3. This act shall become effective July 1, 2014.

15 SECTION 4. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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