ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 456 By: Jolley and Pittman of the Senate

and

Roberts (Dustin) of the House

An Act relating to courthouse security; amending 28 O.S. 2011, Section 152, which relates to flat fee schedule; authorizing addition of certain fee for specified purpose; directing credit of certain fee; and providing an effective date.

AUTHOR: Add the following House Coauthor: Christian

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill and insert

"An Act relating to courthouse security; amending 28 O.S. 2011, Section 152, which relates to flat fee schedule; authorizing addition of certain fee for specified purpose; directing credit of certain fee; and providing an effective date.

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) shall be assessed and credited to the Council on Judicial Complaints Revolving Fund.

F. In addition to the amounts collected pursuant to paragraphs 1, 3, 8, 9, 10 and 14 of subsection A of this section, each county may assess, upon approval by the board of county commissioners, a sum not to exceed Ten Dollars ($10.00) per case to be credited to the Sheriff's Service Fee Account in the county in which the action arose for the purpose of enhancing existing or providing additional courthouse security.

G. 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.~~ H. 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. This act shall become effective November 1, 2015."

Passed the House of Representatives the 16th day of April, 2015.

_____
Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2015.

_____
Presiding Officer of the Senate

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BILL NO. 456 By: Jolley and Pittman of the Senate

and

Roberts (Dustin) of the House

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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) shall be assessed and credited to the Council on Judicial Complaints Revolving Fund.

F. <u>In addition to the amounts collected pursuant to subsection A of this section, each county may assess, upon approval by the board of county commissioners, a sum not to exceed Ten Dollars ($10.00) to be credited to the Sheriff's Service Fee Account in the county in which the action arose for the purpose of enhancing existing or providing additional courthouse security.</u>

G. 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.~~ H. 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. This act shall become effective November 1, 2015.

Passed the Senate the 10th day of March, 2015.

_____
Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2015.

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Presiding Officer of the House
of Representatives