

1 ENGROSSED HOUSE
2 BILL NO. 3203

By: Sears and Casey of the
House

3 and

4 Jolley and Treat of the
5 Senate

6
7 An Act relating to courts; amending 20 O.S. 2011,
8 Section 1315, as amended by Section 84, Chapter 304,
9 O.S.L. 2012 (20 O.S. Supp. 2015, Section 1315), which
10 relates to the Oklahoma Court Information System;
11 renaming Oklahoma Court Information System Revolving
12 Fund; authorizing certain expenditures from fund;
13 directing transfer of funds upon request; amending 28
14 O.S. 2011, Sections 152, as amended by Section 1,
15 Chapter 384, O.S.L. 2015 and 153 (28 O.S. Supp. 2015,
16 Section 152), which relate to court fees; updating
17 fund name; and declaring an emergency.

18
19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. AMENDATORY 20 O.S. 2011, Section 1315, as
21 amended by Section 84, Chapter 304, O.S.L. 2012 (20 O.S. Supp. 2015,
22 Section 1315), is amended to read as follows:

23 Section 1315. A. 1. The Supreme Court, by and through the
24 Office of the Administrative Director of the Courts, shall establish
a court information system to be designated the "Oklahoma Court
Information System" for the purpose of providing data processing
services to state agencies, boards, and commissions and other

1 entities pursuant to contract. The Administrative Director of the
2 Courts may assess a reasonable fee for such services.

3 2. Court clerks and judges of the district courts of this state
4 shall utilize the case tracking, accounting, legal research, and
5 other services of the "Oklahoma Court Information System" at the
6 direction of the Chief Justice of the Supreme Court. The
7 development and implementation of the system's accounting, auditing,
8 and financial reporting functions shall be subject to the approval
9 of the State Auditor and Inspector.

10 B. There is hereby created in the State Treasury a revolving
11 fund for the Supreme Court to be designated the "Oklahoma Court
12 ~~Information~~ System Revolving Fund". The fund shall be a continuing
13 fund, not subject to fiscal year limitations, and shall consist of
14 all monies received in payment of data processing services furnished
15 pursuant to contract. The Administrative Director of the Courts, at
16 the end of each month, shall issue a statement of charges to each
17 entity for which data processing services were furnished. The cost
18 for data processing services shall be recovered directly from the
19 entity for which such services were furnished and shall not be
20 prorated to or payable by those not receiving the services. All
21 monies accruing to the credit of the fund are hereby appropriated
22 and may be budgeted and expended by the Supreme Court for the
23 acquisition, operation, maintenance, repair, and replacement of data
24 processing equipment and software and for the operational expenses

1 of any court which is subject to the authority of the Administrative
2 Director of the Courts. Expenditures from the fund shall be made
3 upon warrants issued by the State Treasurer against claims filed as
4 prescribed by law with the Director of the Office of Management and
5 Enterprise Services for approval and payment. The Office of
6 Management and Enterprise Services shall, at the request of the
7 Administrative Director of the Courts, transfer from the Oklahoma
8 Court System Revolving Fund to the District Court Interagency
9 Reimbursement Fund an amount that the Administrative Director of the
10 Courts, with the approval of the Chief Justice of the Supreme Court,
11 shall deem appropriate and necessary to perform the duties imposed
12 upon the district courts by law.

13 SECTION 2. AMENDATORY 28 O.S. 2011, Section 152, as
14 amended by Section 1, Chapter 384, O.S.L. 2015 (28 O.S. Supp. 2015,
15 Section 152), is amended to read as follows:

16 Section 152. A. In any civil case filed in a district court,
17 the court clerk shall collect, at the time of filing, the following
18 flat fees, none of which shall ever be refundable, and which shall
19 be the only charge for court costs, except as is otherwise
20 specifically provided for by law:

- 21 1. Actions for divorce, alimony without
22 divorce, separate maintenance, custody or
23 support.....\$143.00
24

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 as follows:

18 1. One Dollar and fifty-five cents (\$1.55) of such amount shall
19 be credited to the Council on Judicial Complaints Revolving Fund;
20 and

21 2. Forty-five cents (\$0.45) of such amount shall be credited to
22 the State Judicial Revolving Fund to be used to reimburse district
23 courts for expenses related to services of interpreters and
24 translators. Vouchers for such expenses shall be submitted by the

1 district court and approved by the Chief Justice of the Supreme
2 Court or another justice designated by the Chief Justice.

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

22 G. Payments to the court clerk for fees and costs assessed
23 pursuant to this section may be made by a nationally recognized
24

1 credit or debit card or other electronic payment method as provided
2 in paragraph 1 of subsection B of Section 151 of this title.

3 SECTION 3. AMENDATORY 28 O.S. 2011, Section 153, is
4 amended to read as follows:

5 Section 153. A. The clerks of the courts shall collect as
6 costs in every criminal case for each offense of which the defendant
7 is convicted, irrespective of whether or not the sentence is
8 deferred, the following flat charges and no more, except for
9 standing and parking violations and for charges otherwise provided
10 for by law, which fee shall cover docketing of the case, filing of
11 all papers, issuance of process, warrants, orders, and other
12 services to the date of judgment:

13 1. For each defendant convicted of
14 exceeding the speed limit by at least
15 one (1) mile per hour but not more
16 than ten (10) miles per hour, whether
17 charged individually or conjointly
18 with others.....\$77.00

19 2. For each defendant convicted of a
20 misdemeanor traffic violation other
21 than an offense provided for in
22 paragraph 1 or 5 of this subsection,
23 whether charged individually or
24 conjointly with others.....\$98.00

- 1 3. For each defendant convicted of a
2 misdemeanor, other than for driving
3 under the influence of alcohol or
4 other intoxicating substance or an
5 offense provided for in paragraph 1 or
6 2 of this subsection, whether charged
7 individually or conjointly with others.....\$93.00
- 8 4. For each defendant convicted of a
9 felony, other than for driving under
10 the influence of alcohol or other
11 intoxicating substance, whether
12 charged individually or conjointly
13 with others.....\$103.00
- 14 5. For each defendant convicted of the
15 misdemeanor of driving under the
16 influence of alcohol or other
17 intoxicating substance, whether charged
18 individually or conjointly with others..... \$433.00
- 19 6. For each defendant convicted of the
20 felony of driving under the influence
21 of alcohol or other intoxicating
22 substance, whether charged
23 individually or conjointly with others.....\$433.00
24

1 B. In addition to the amount collected pursuant to paragraphs 2
2 through 6 of subsection A of this section, the sum of Six Dollars
3 (\$6.00) shall be assessed and credited to the Law Library Fund
4 pursuant to Section 1201 et seq. of Title 20 of the Oklahoma
5 Statutes.

6 C. In addition to the amount collected pursuant to subsection A
7 of this section, the sum of Ten Dollars (\$10.00) shall be assessed
8 and collected in every traffic case for each offense other than for
9 driving under the influence of alcohol or other intoxicating
10 substance; the sum of Fifteen Dollars (\$15.00) shall be assessed and
11 collected in every misdemeanor case for each offense; the sum of
12 Fifteen Dollars (\$15.00) shall be assessed and collected in every
13 misdemeanor case for each offense for driving under the influence of
14 alcohol or other intoxicating substance; the sum of Twenty-five
15 Dollars (\$25.00) shall be assessed and collected in every felony
16 case for each offense; and the sum of Twenty-five Dollars (\$25.00)
17 shall be assessed and collected in every felony case for each
18 offense for driving under the influence of alcohol or other
19 intoxicating substance.

20 D. In addition to the amounts collected pursuant to subsections
21 A and B of this section, the sum of Twenty-five Dollars (\$25.00)
22 shall be assessed and credited to the Oklahoma Court ~~Information~~
23 System Revolving Fund created pursuant to Section 1315 of Title 20
24 of the Oklahoma Statutes.

1 E. In addition to the amount collected pursuant to paragraphs 1
2 through 6 of subsection A of this section, the sum of Ten Dollars
3 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee
4 Account in the county in which the conviction occurred for the
5 purpose of enhancing existing or providing additional courthouse
6 security.

7 F. In addition to the amounts collected pursuant to paragraphs
8 1 through 6 of subsection A of this section, the sum of Three
9 Dollars (\$3.00) shall be assessed and credited to the Office of the
10 Attorney General Victim Services Unit.

11 G. In addition to the amounts collected pursuant to paragraphs
12 1 through 6 of subsection A of this section, the sum of Three
13 Dollars (\$3.00) shall be assessed and credited to the Child Abuse
14 Multidisciplinary Account. This fee shall not be used for purposes
15 of hiring or employing any law enforcement officers.

16 H. Prior to conviction, parties in criminal cases shall not be
17 required to pay, advance, or post security for the services of a
18 language interpreter or for the issuance or service of process to
19 obtain compulsory attendance of witnesses.

20 I. The amounts to be assessed as court costs upon filing of a
21 case shall be those amounts above-stated in paragraph 3 or 4 of
22 subsection A and subsection B, C, D and E of this section.

23 J. The fees collected pursuant to this section shall be
24 deposited into the court fund, except the following:

1 1. A court clerk issuing a misdemeanor warrant is entitled to
2 ten percent (10%) of the sheriff's service fee, provided for in
3 paragraph 9 of subsection A of this section, collected on a warrant
4 referred to the contractor for the misdemeanor warrant notification
5 program governed by Sections 514.4 and 514.5 of Title 19 of the
6 Oklahoma Statutes. This ten-percent sum shall be deposited into the
7 issuing Court Clerk's Revolving Fund, created pursuant to Section
8 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing
9 the warrant with the balance of the sheriff's service fee to be
10 deposited into the Sheriff's Service Fee Account, created pursuant
11 to the provisions of Section 514.1 of Title 19 of the Oklahoma
12 Statutes, of the sheriff in the county in which service is made or
13 attempted. Otherwise, the sheriff's service fee, when collected,
14 shall be deposited in its entirety into the Sheriff's Service Fee
15 Account of the sheriff in the county in which service is made or
16 attempted;

17 2. The sheriff's fee provided for in Section 153.2 of this
18 title;

19 3. The witness fees paid by the district attorney pursuant to
20 the provisions of Section 82 of this title which, if collected by
21 the court clerk, shall be transferred to the district attorney's
22 office in the county where witness attendance was required. Fees
23 transferred pursuant to this paragraph shall be deposited in the
24 district attorney's maintenance and operating expense account;

1 4. The fees provided for in subsection C of this section shall
2 be forwarded to the District Attorneys Council Revolving Fund to
3 defray the costs of prosecution; and

4 5. The following amounts of the fees provided for in paragraphs
5 2, 3, 5 and 6 of subsection A of this section, when collected, shall
6 be deposited in the Trauma Care Assistance Revolving Fund, created
7 pursuant to the provisions of Section 1-2530.9 of Title 63 of the
8 Oklahoma Statutes:

9 a. Ten Dollars (\$10.00) of the Ninety-eight-Dollar fee
10 provided for in paragraph 2 of subsection A of this
11 section,

12 b. Ten Dollars (\$10.00) of the Ninety-three-Dollar fee
13 provided for in paragraph 3 of subsection A of this
14 section,

15 c. One Hundred Dollars (\$100.00) of the Four-Hundred-
16 Thirty-three-Dollar fee provided for in paragraph 5 of
17 subsection A of this section, and

18 d. One Hundred Dollars (\$100.00) of the Four-Hundred-
19 Thirty-three-Dollar fee provided for in paragraph 6 of
20 subsection A of this section.

21 K. Costs required to be collected pursuant to this section
22 shall not be dismissed or waived; provided, if the court determines
23 that a person needing the services of a language interpreter is
24

1 indigent, the court may waive all or part of the costs or require
2 the payment of costs in installments.

3 L. As used in this section, "convicted" means any final
4 adjudication of guilt, whether pursuant to a plea of guilty or nolo
5 contendere or otherwise, and any deferred judgment or suspended
6 sentence.

7 M. A court clerk may accept in payment for any fee, fine,
8 forfeiture payment, cost, penalty assessment or other charge or
9 collection to be assessed or collected by a court clerk pursuant to
10 this section a nationally recognized credit card or debit card or
11 other electronic payment method as provided in paragraph 1 of
12 subsection B of Section 151 of this title.

13 N. Upon receipt of payment of fines and costs for offenses
14 charged prior to July 1, 1992, the court clerk shall apportion and
15 pay Thirteen Dollars (\$13.00) per conviction to the court fund.

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

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1 Passed the House of Representatives the 11th day of April, 2016.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2016.

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8 _____
9 Presiding Officer of the Senate