

1 ENGROSSED SENATE
2 BILL NO. 1054

By: Thompson and Rader of the
Senate

3 and

4 Wallace and Hilbert of the
5 House

6 An Act relating to courts; amending 28 O.S. 2011,
7 Section 86, as last amended by Section 5, Chapter 12,
8 O.S.L. 2017 (28 O.S. Supp. 2019, Section 86), which
relates to the Lengthy Trial Fund; extending date for
transfer of monies; and declaring an emergency.

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

12 SECTION 1. AMENDATORY 28 O.S. 2011, Section 86, as last
13 amended by Section 5, Chapter 12, O.S.L. 2017 (28 O.S. Supp. 2019,
14 Section 86), is 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.

22 B. The Court Fund Board of the district court may contract for
23 or provide reimbursement for parking for district court jurors to be
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1 paid from the Court Fund. Parking so provided to jurors shall be in
2 lieu of any reimbursement to jurors for parking fees.

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

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

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

21 2. The clerk of the court shall collect from each attorney who
22 files a civil case, unless otherwise exempted under the provisions
23 of this section, a fee of Ten Dollars (\$10.00) per case to be paid
24 into the Lengthy Trial Fund. A lawyer will be deemed to have filed

1 a case at the time the first pleading or other filing on which an
2 individual lawyer's name appears is submitted to the court for
3 filing and opens a new case. All such fees shall be forwarded to
4 the Administrator of the Lengthy Trial Fund for deposit.

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

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

18 5. Any juror who is serving or has served on a jury that
19 qualifies for payment from the Lengthy Trial Fund, provided the
20 service commenced on or after January 1, 2005, may submit a request
21 for payment from the Lengthy Trial Fund on a form provided by the
22 Administrator. Payment shall be limited to the difference between
23 the state-paid jury fee and the actual amount of wages a juror
24 earns, up to the maximum level payable, minus any amount the juror

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

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

- 18 a. government attorneys entering appearances in the
19 course of their official duties,
- 20 b. pro se litigants,
- 21 c. cases in small claims court or the state equivalent
22 thereof, or
- 23 d. claims seeking Social Security disability
24 determinations, individual veterans' compensation or

1 disability determinations, recoupment actions for
2 government backed educational loans or mortgages,
3 child custody and support cases, actions brought in
4 forma pauperis, and any other filings designated by
5 rule that involve minimal use of court resources and
6 that customarily are not afforded the opportunity for
7 a trial by jury.

8 7. Until June 30, ~~2018~~ 2021, the Office of Management and
9 Enterprise Services shall, at the request of the Administrative
10 Director of the Courts, transfer any monies from the Lengthy Trial
11 Fund to the Supreme Court Administrative Revolving Fund or the
12 Interagency Reimbursement Fund as necessary to perform the duties
13 imposed upon the Supreme Court, Court of Civil Appeals and district
14 courts by law.

15 SECTION 2. It being immediately necessary for the preservation
16 of the public peace, health or 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.

1 Passed the Senate the 12th day of March, 2020.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2020.

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9 Presiding Officer of the House
10 of Representatives