

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 ENGROSSED SENATE
5 BILL NO. 1054

 By: Thompson and Rader of the
 Senate

6 and

7 Wallace and Hilbert of the
8 House

9
10 An Act relating to courts; amending 28 O.S. 2011,
11 Section 86, as last amended by Section 5, Chapter 12,
12 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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15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 28 O.S. 2011, Section 86, as last
17 amended by Section 5, Chapter 12, O.S.L. 2017 (28 O.S. Supp. 2019,
18 Section 86), is amended to read as follows:

19 Section 86. A. Jurors shall be paid the following fees out of
20 the local court fund:

21 1. For each day's attendance before any court of record, Twenty
22 Dollars (\$20.00); and

1 2. For mileage going to and returning from jury service each
2 day, pursuant to the provisions of the State Travel Reimbursement
3 Act.

4 B. The Court Fund Board of the district court may contract for
5 or provide reimbursement for parking for district court jurors to be
6 paid from the Court Fund. Parking so provided to jurors shall be in
7 lieu of any reimbursement to jurors for parking fees.

8 C. The provisions of this section shall not apply to any person
9 who is summoned for jury duty and who is excused from serving
10 pursuant to the provisions of subsection A of Section 28 of Title 38
11 of the Oklahoma Statutes, beginning on the day the person is excused
12 from service.

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

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

3 2. The clerk of the court shall collect from each attorney who
4 files a civil case, unless otherwise exempted under the provisions
5 of this section, a fee of Ten Dollars (\$10.00) per case to be paid
6 into the Lengthy Trial Fund. A lawyer will be deemed to have filed
7 a case at the time the first pleading or other filing on which an
8 individual lawyer's name appears is submitted to the court for
9 filing and opens a new case. All such fees shall be forwarded to
10 the Administrator of the Lengthy Trial Fund for deposit.

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

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

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1 5. Any juror who is serving or has served on a jury that
2 qualifies for payment from the Lengthy Trial Fund, provided the
3 service commenced on or after January 1, 2005, may submit a request
4 for payment from the Lengthy Trial Fund on a form provided by the
5 Administrator. Payment shall be limited to the difference between
6 the state-paid jury fee and the actual amount of wages a juror
7 earns, up to the maximum level payable, minus any amount the juror
8 actually receives from the employer during the same time period.
9 The form shall disclose the juror's regular wages, the amount the
10 employer will pay during the term of jury service starting on the
11 eleventh day and thereafter, the amount of replacement or
12 supplemental wages requested, and any other information the
13 Administrator deems necessary for proper payment. The juror shall
14 be required to submit verification from the employer as to the wage
15 information provided to the Administrator, including but not limited
16 to the employee's most recent earnings statement or similar
17 document, prior to initiation of payment from the fund. If an
18 individual is self-employed or receives compensation other than
19 wages, the individual may provide a sworn affidavit attesting to his
20 or her approximate gross weekly income, together with such other
21 information as the Administrator may require, in order to verify
22 weekly income.

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

- a. government attorneys entering appearances in the course of their official duties,
- b. pro se litigants,
- c. cases in small claims court or the state equivalent thereof, or
- d. claims seeking Social Security disability determinations, individual veterans' compensation or disability determinations, recoupment actions for government backed educational loans or mortgages, child custody and support cases, actions brought in forma pauperis, and any other filings designated by rule that involve minimal use of court resources and that customarily are not afforded the opportunity for a trial by jury.

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

SECTION 2. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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4 DIRECT TO CALENDAR.

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