

1 ENGROSSED HOUSE  
2 BILL NO. 2912

By: Wallace and Hilbert of the  
House

3 and

4 Thompson and Hall of the  
5 Senate

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8 An Act relating to court costs and fees; amending 28  
9 O.S. 2011, Section 152, as last amended by Section 7,  
10 Chapter 354, O.S.L. 2019 (28 O.S. Supp. 2020, Section  
11 152), which relates to flat fee schedule; modifying  
12 period of applicability of certain fee; and providing  
13 an effective date.

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

15 SECTION 1. AMENDATORY 28 O.S. 2011, Section 152, as last  
16 amended by Section 7, Chapter 354, O.S.L. 2019 (28 O.S. Supp. 2020,  
17 Section 152), is amended to read as follows:

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

23 1. Actions for divorce, alimony without divorce, separate  
24 maintenance, custody or support.....\$183.00

1        2. Any ancillary proceeding to modify or vacate a divorce  
 2 decree providing for custody or support.....\$43.00  
 3        3. Probate and guardianship.....\$135.00  
 4        4. Annual guardianship report.....\$33.00  
 5        5. Any proceeding for sale or lease of real or personal  
 6 property or mineral interest in probate or guardianship.....\$43.00  
 7        6. Any proceeding to revoke the probate of a will.....\$43.00  
 8        7. Judicial determination of death.....\$58.00  
 9        8. Adoption.....\$105.00  
 10       9. Civil actions for an amount of Ten Thousand Dollars  
 11 (\$10,000.00) or less and condemnation.....\$150.00  
 12       10. Civil actions for an amount of Ten Thousand One  
 13 Dollars (\$10,001.00) or more .....\$163.00  
 14       11. Garnishment.....\$23.00  
 15       12. Continuing wage garnishment.....\$63.00  
 16       13. Any other proceeding after judgment.....\$33.00  
 17       14. All others, including but not limited to actions for  
 18 forcible entry and detainer, judgments from all other courts,  
 19 including the Workers' Compensation Court.....\$85.00  
 20       15. Notice of renewal of judgment.....\$23.00  
 21       B. In addition to the amounts collected pursuant to paragraphs  
 22 1, 3, 7, 8, 9, 10 and 14 of subsection A of this section, the sum of  
 23 Six Dollars (\$6.00) shall be assessed and credited to the Law  
 24 Library Fund.

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

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

10 E. In addition to the amounts collected pursuant to subsection  
11 A of this section, the sum of Two Dollars (\$2.00) shall be assessed  
12 and credited as follows:

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

16 2. Forty-five cents (\$0.45) of such amount shall be credited to  
17 the Supreme Court Revolving Fund to be used to reimburse district  
18 courts for expenses related to services of interpreters and  
19 translators. Vouchers for such expenses shall be submitted by the  
20 district court and approved by the Chief Justice of the Supreme  
21 Court or another justice designated by the Chief Justice.

22 F. In addition to the amounts collected pursuant to paragraphs  
23 1, 3, 8, 9, 10 and 14 of subsection A of this section, each county  
24 may assess, upon approval by the board of county commissioners, a

1 sum not to exceed Ten Dollars (\$10.00) per case to be credited to  
2 the Sheriff's Service Fee Account in the county in which the action  
3 arose for the purpose of enhancing existing or providing additional  
4 courthouse security.

5 G. Until November 1, ~~2023~~ 2027, in addition to the amounts  
6 collected pursuant to subsection A of this section, the sum of Ten  
7 Dollars (\$10.00) shall be assessed and credited to the Court Clerk's  
8 Records Management and Preservation Fund created in Section 31.3 of  
9 this title.

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

1 the clerk shall permit the affiant to litigate without payment of  
2 fees or costs. Any litigant executing a false affidavit or counter  
3 affidavit pursuant to the provisions of this section shall be guilty  
4 of perjury.

5 I. Payments to the court clerk for fees and costs assessed  
6 pursuant to this section may be made by a nationally recognized  
7 credit or debit card or other electronic payment method as provided  
8 in paragraph 1 of subsection B of Section 151 of this title.

9 SECTION 2. This act shall become effective November 1, 2021.

10 Passed the House of Representatives the 17th day of May, 2021.

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\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2021.

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Presiding Officer of the Senate

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