

1 ENGROSSED HOUSE  
2 BILL NO. 4079

By: Wallace of the House

3 and

4 Weaver of the Senate

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6  
7 An Act relating to fees; amending 28 O.S. 2021,  
8 Section 86, which relates to jurors' fees; increasing  
9 jurors' fees for attendance; and providing an  
10 effective date.

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

12 SECTION 1. AMENDATORY 28 O.S. 2021, Section 86, is  
13 amended to read as follows:

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

16 1. For each day's attendance before any court of record, ~~Twenty~~  
17 ~~Dollars (\$20.00)~~ Seventy-five Dollars (\$75.00); and

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

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

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

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

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

19 2. The clerk of the court shall collect from each attorney who  
20 files a civil case, unless otherwise exempted under the provisions  
21 of this section, a fee of Ten Dollars (\$10.00) per case to be paid  
22 into the Lengthy Trial Fund. A lawyer will be deemed to have filed  
23 a case at the time the first pleading or other filing on which an  
24 individual lawyer's name appears is submitted to the court for

1 filing and opens a new case. All such fees shall be forwarded to  
2 the Administrator of the Lengthy Trial Fund for deposit.

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

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

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

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

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

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

1 child custody and support cases, actions brought in  
2 forma pauperis, and any other filings designated by  
3 rule that involve minimal use of court resources and  
4 that customarily are not afforded the opportunity for  
5 a trial by jury.

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

13 SECTION 2. This act shall become effective November 1, 2022.

14 Passed the House of Representatives the 9th day of March, 2022.

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16 \_\_\_\_\_  
17 Presiding Officer of the House  
18 of Representatives

19 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2022.

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22 Presiding Officer of the Senate  
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