

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 58th Legislature (2022)

4   HOUSE BILL 3957

By: Walke of the House

5   and

6   **Floyd** of the Senate

7  
8  
9                               AS INTRODUCED

10           An Act relating to fees; amending 28 O.S. 2021,  
11           Section 152, which relates to court fee schedule;  
12           changing funding process for courtroom interpreter  
13           services; amending 28 O.S. 2021, Section 153, which  
14           relates to costs in criminal cases; eliminating cost  
15           for services of a language interpreter; removing  
16           references to services of a language interpreter;  
17           removing restriction on dismissing or waiving costs;  
18           providing an effective date; and declaring an  
19           emergency.

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

21           SECTION 1.           AMENDATORY           28 O.S. 2021, Section 152, is  
22           amended to read as follows:

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

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

3        2.    Any ancillary proceeding to modify or vacate a divorce  
4 decree providing for custody or support.....\$43.00

5        3.    Probate and guardianship.....\$135.00

6        4.    Annual guardianship report.....\$33.00

7        5.    Any proceeding for sale or lease of real or personal  
8 property or mineral interest in probate or guardianship.....\$43.00

9        6.    Any proceeding to revoke the probate of a will.....\$43.00

10       7.    Judicial determination of death.....\$58.00

11       8.    Adoption.....\$105.00

12       9.    Civil actions for an amount of Ten Thousand Dollars  
13 (\$10,000.00) or less and condemnation.....\$150.00

14       10.   Civil actions for an amount of Ten Thousand One  
15 Dollars (\$10,001.00) or more .....\$163.00

16       11.   Garnishment.....\$23.00

17       12.   Continuing wage garnishment.....\$63.00

18       13.   Any other proceeding after judgment.....\$33.00

19       14.   All others, including but not limited to actions for  
20 forcible entry and detainer, judgments from all other courts,  
21 including the Workers' Compensation Court.....\$85.00

22       15.   Notice of renewal of judgment.....\$23.00

23       B.    In addition to the amounts collected pursuant to paragraphs  
24 1, 3, 7, 8, 9, 10 and 14 of subsection A of this section, the sum of

1 Six Dollars (\$6.00) shall be assessed and credited to the Law  
2 Library Fund.

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

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

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

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

18 2. Forty-five cents (\$0.45) of such amount shall be credited to  
19 the Supreme Court Revolving Fund and ~~to be used to reimburse~~  
20 ~~district courts for expenses related to services of interpreters and~~  
21 ~~translators. Vouchers for such expenses shall be submitted by the~~  
22 ~~district court and~~ may be budgeted and expended by the Supreme Court  
23 for expenses lawfully incurred for providing qualified courtroom  
24 interpreter services in the district courts, for credentialing and

1 training Oklahoma courtroom interpreters, and for any other  
2 expenditures determined by the Supreme Court to be necessary to  
3 provide language access in the district courts as required by state  
4 and federal law. Payments of expenses may be made after the claim  
5 or expense is approved by the Chief Justice of the Supreme Court or  
6 another justice designated by the Chief Justice.

7 F. In addition to the amounts collected pursuant to paragraphs  
8 1, 3, 8, 9, 10 and 14 of subsection A of this section, each county  
9 may assess, upon approval by the board of county commissioners, a  
10 sum not to exceed Ten Dollars (\$10.00) per case to be credited to  
11 the Sheriff's Service Fee Account in the county in which the action  
12 arose for the purpose of enhancing existing or providing additional  
13 courthouse security.

14 G. Until November 1, 2027, in addition to the amounts collected  
15 pursuant to subsection A of this section, the sum of Ten Dollars  
16 (\$10.00) shall be assessed and credited to the Court Clerk's Records  
17 Management and Preservation Fund created in Section 31.3 of this  
18 title.

19 H. In any case in which a litigant claims to have a just cause  
20 of action and that, by reason of poverty, the litigant is unable to  
21 pay the fees and costs provided for in this section and is  
22 financially unable to employ counsel, upon the filing of an  
23 affidavit in forma pauperis executed before any officer authorized  
24 by law to administer oaths to that effect and upon satisfactory

1 showing to the court that the litigant has no means and is,  
2 therefore, unable to pay the applicable fees and costs and to employ  
3 counsel, no fees or costs shall be required. The opposing party or  
4 parties may file with the court clerk of the court having  
5 jurisdiction of the cause an affidavit similarly executed  
6 contradicting the allegation of poverty. In all such cases, the  
7 court shall promptly set for hearing the determination of  
8 eligibility to litigate without payment of fees or costs. Until a  
9 final order is entered determining that the affiant is ineligible,  
10 the clerk shall permit the affiant to litigate without payment of  
11 fees or costs. Any litigant executing a false affidavit or counter  
12 affidavit pursuant to the provisions of this section shall be guilty  
13 of perjury.

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

18 SECTION 2. AMENDATORY 28 O.S. 2021, Section 153, is  
19 amended to read as follows:

20 Section 153. A. The clerks of the courts shall collect as  
21 costs in every criminal case for each offense of which the defendant  
22 is convicted, irrespective of whether or not the sentence is  
23 deferred, the following flat charges and no more, except for  
24 standing and parking violations and for charges otherwise provided

1 for by law, which fee shall cover docketing of the case, filing of  
2 all papers, issuance of process, warrants, orders, and other  
3 services to the date of judgment:

- 4 1. For each defendant convicted of  
5 exceeding the speed limit by at least  
6 one (1) mile per hour but not more than  
7 ten (10) miles per hour, whether charged  
8 individually or conjointly with others .....\$77.00
- 9 2. For each defendant convicted of a  
10 misdemeanor traffic violation other than  
11 an offense provided for in paragraph 1  
12 or 5 of this subsection, whether charged  
13 individually or conjointly with others .....\$98.00
- 14 3. For each defendant convicted of a  
15 misdemeanor, other than for driving  
16 under the influence of alcohol or other  
17 intoxicating substance or an offense  
18 provided for in paragraph 1 or 2 of this  
19 subsection, whether charged individually  
20 or conjointly with others .....\$93.00
- 21 4. For each defendant convicted of a  
22 felony, other than for driving under the  
23 influence of alcohol or other  
24

intoxicating substance, whether charged  
individually or conjointly with others .....\$103.00

5. For each defendant convicted of the  
misdemeanor of driving under the influence  
of alcohol or other intoxicating substance,  
whether charged individually or conjointly  
with others ..... \$433.00

6. For each defendant convicted of the  
felony of driving under the influence of  
alcohol or other intoxicating substance,  
whether charged individually or  
conjointly with others .....\$433.00

7. For the services of a court reporter at  
each preliminary hearing and trial held  
in the case .....\$20.00

8. For each time a jury is requested.....\$30.00

9. A sheriff's fee for serving or  
endeavoring to serve each writ, warrant,  
order, process, command, or notice or  
pursuing any fugitive from justice

a. within the county..... \$50.00, or  
mileage as  
established by the  
Oklahoma Statutes,

whichever is

greater, or

b. outside of the county..... \$50.00, or

actual, necessary

expenses, whichever

is greater

~~10. For the services of a language interpreter, other than an interpreter appointed pursuant to the provisions of the Oklahoma Interpreter for the Deaf Act, at each hearing held in the case, the actual cost of the interpreter.~~

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

C. In addition to the amount collected pursuant to subsection A of this section, the sum of Twenty Dollars (\$20.00) shall be assessed and collected in every traffic case for each offense other than for driving under the influence of alcohol or other intoxicating substance; the sum of Thirty Dollars (\$30.00) shall be assessed and collected in every misdemeanor case for each offense; the sum of Thirty Dollars (\$30.00) shall be assessed and collected in every misdemeanor case for each offense for driving under the influence of alcohol or other intoxicating substance; the sum of



1 Fifty Dollars (\$50.00) shall be assessed and collected in every  
2 felony case for each offense; and the sum of Fifty Dollars (\$50.00)  
3 shall be assessed and collected in every felony case for each  
4 offense for driving under the influence of alcohol or other  
5 intoxicating substance.

6 D. 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 E. In addition to the amount collected pursuant to paragraphs 1  
12 through 6 of subsection A of this section, the sum of Ten Dollars  
13 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee  
14 Account in the county in which the conviction occurred for the  
15 purpose of enhancing existing or providing additional courthouse  
16 security.

17 F. In addition to the amounts collected pursuant to paragraphs  
18 1 through 6 of subsection A of this section, the sum of Three  
19 Dollars (\$3.00) shall be assessed and credited to the Office of the  
20 Attorney General Victim Services Unit.

21 G. In addition to the amounts collected pursuant to paragraphs  
22 1 through 6 of subsection A of this section, the sum of Three  
23 Dollars (\$3.00) shall be assessed and credited to the Child Abuse  
24

1 Multidisciplinary Account. This fee shall not be used for purposes  
2 of hiring or employing any law enforcement officers.

3 H. In addition to the amount collected pursuant to paragraphs 5  
4 and 6 of subsection A of this section, the sum of Fifteen Dollars  
5 (\$15.00) shall be assessed in every misdemeanor or felony case for  
6 each offense of driving under the influence of alcohol or other  
7 intoxicating substance and credited to the Oklahoma Impaired Driver  
8 Database Revolving Fund created pursuant to Section ~~8 of Enrolled~~  
9 ~~House Bill No. 3146 of the 2nd Session of the 55th Oklahoma~~  
10 ~~Legislature~~ 11-902d of Title 47 of the Oklahoma Statutes.

11 I. Prior to conviction, parties in criminal cases shall not be  
12 required to pay, advance, or post security ~~for the services of a~~  
13 ~~language interpreter or~~ for the issuance or service of process to  
14 obtain compulsory attendance of witnesses.

15 J. The amounts to be assessed as court costs upon filing of a  
16 case shall be those amounts above-stated in paragraph 3 or 4 of  
17 subsection A and subsections B, C, D and E of this section.

18 K. The fees collected pursuant to this section shall be  
19 deposited into the court fund, except the following:

20 1. A court clerk issuing a misdemeanor warrant is entitled to  
21 ten percent (10%) of the sheriff's service fee, provided for in  
22 paragraph 9 of subsection A of this section, collected on a warrant  
23 referred to the contractor for the misdemeanor warrant notification  
24 program governed by Sections 514.4 and 514.5 of Title 19 of the

1 Oklahoma Statutes. This ten-percent sum shall be deposited into the  
2 issuing Court Clerk's Revolving Fund, created pursuant to Section  
3 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing  
4 the warrant with the balance of the sheriff's service fee to be  
5 deposited into the Sheriff's Service Fee Account, created pursuant  
6 to the provisions of Section 514.1 of Title 19 of the Oklahoma  
7 Statutes, of the sheriff in the county in which service is made or  
8 attempted. Otherwise, the sheriff's service fee, when collected,  
9 shall be deposited in its entirety into the Sheriff's Service Fee  
10 Account of the sheriff in the county in which service is made or  
11 attempted;

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

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

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

23 5. The following amounts of the fees provided for in paragraphs  
24 2, 3, 5 and 6 of subsection A of this section, when collected, shall

1 be deposited in the Trauma Care Assistance Revolving Fund, created  
2 pursuant to the provisions of Section 1-2530.9 of Title 63 of the  
3 Oklahoma Statutes:

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

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

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

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

16 ~~L. Costs required to be collected pursuant to this section~~  
17 ~~shall not be dismissed or waived; provided, if the court determines~~  
18 ~~that a person needing the services of a language interpreter is~~  
19 ~~indigent, the court may waive all or part of the costs or require~~  
20 ~~the payment of costs in installments.~~

21 ~~M.~~ As used in this section, "convicted" means any final  
22 adjudication of guilt, whether pursuant to a plea of guilty or nolo  
23 contendere or otherwise, and any deferred judgment or suspended  
24 sentence.

1       ~~N.~~ M. A court clerk may accept in payment for any fee, fine,  
2 forfeiture payment, cost, penalty assessment or other charge or  
3 collection to be assessed or collected by a court clerk pursuant to  
4 this section a nationally recognized credit card or debit card or  
5 other electronic payment method as provided in paragraph 1 of  
6 subsection B of Section 151 of this title.

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

10       SECTION 3. This act shall become effective July 1, 2022.

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

15  
16       COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated  
17 03/01/2022 - DO PASS, As Coauthored.  
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