

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 4079

By: Wallace

AS INTRODUCED

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

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

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

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

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

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

B. The Court Fund Board of the district court may contract for or provide reimbursement for parking for district court jurors to be paid from the Court Fund. Parking so provided to jurors shall be in 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.
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