

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1236 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Charles McCall \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1236

By: McCall

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to civil procedure; amending 12 O.S.  
9 2021, Section 1438, which relates to costs and fees;  
10 providing that a court in certain circumstances shall  
11 award expenses which are directly incurred in  
12 defending against a legal action; and providing an  
13 effective date.

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

15 SECTION 1. AMENDATORY 12 O.S. 2021, Section 1438, is  
16 amended to read as follows:

17 Section 1438. A. If the court orders dismissal of a legal  
18 action under the Oklahoma Citizens Participation Act, the court  
19 shall award to the moving party:

20 1. Court costs, reasonable attorney fees and other expenses  
21 which are directly incurred in defending against the legal action as  
22 justice and equity may require; and

23 2. Sanctions against the party who brought the legal action as  
24 the court determines sufficient to deter the party who brought the

1 legal action from bringing similar actions described in the Oklahoma  
2 Citizens Participation Act.

3 B. If the court finds that a motion to dismiss filed under the  
4 Oklahoma Citizens Participation Act is frivolous or solely intended  
5 to delay, the court may award court costs and reasonable attorney  
6 fees to the responding party.

7 SECTION 2. This act shall become effective November 1, 2023.

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9 59-1-7846 JL 03/01/23

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