

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1236

By: McCall

6 COMMITTEE SUBSTITUTE

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

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

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

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

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

22 2. Sanctions against the party who brought the legal action as
23 the court determines sufficient to deter the party who brought the
24 legal action from bringing similar actions described in the Oklahoma
Citizens Participation Act.

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

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

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7 59-1-7930 LRB 03/02/23

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