

1 ENGROSSED HOUSE  
2 BILL NO. 1236

By: McCall of the House

and

McCortney of the Senate

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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.

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

SECTION 2. This act shall become effective November 1, 2023.  
Passed the House of Representatives the 21st day of March, 2023.

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Presiding Officer of the House  
of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2023.

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Presiding Officer of the Senate