

An Act

ENROLLED HOUSE
BILL NO. 1236

By: McCall of the House

and

McCortney of the Senate

An Act relating to the Oklahoma Citizens Participation Act; amending 12 O.S. 2021, Section 1438, which relates to costs and fees; authorizing award of certain expenses; authorizing imposition of sanctions under certain circumstances; and providing an effective date.

SUBJECT: Oklahoma Citizens Participation Act

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

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

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

1. Court costs, reasonable attorney fees and other expenses incurred in defending against the legal action as justice and equity may require; and
2. Sanctions against the party who brought the legal action as the court determines sufficient to deter the party who brought the legal action from bringing similar actions described in the Oklahoma Citizens Participation Act.

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 17th day of May, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the 17th day of April, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____