

1 **SENATE FLOOR VERSION**

2 April 11, 2023

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1236

By: McCall of the House

and

McCortney of the Senate

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9 An Act relating to the Oklahoma Citizens
10 Participation Act; amending 12 O.S. 2021, Section
11 1438, which relates to costs and fees; authorizing
12 award of certain expenses; authorizing imposition of
13 sanctions under certain circumstances; and providing
14 an effective date.

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

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

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

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

24 2. Sanctions against the party who brought the legal action as
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.

8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
9 April 11, 2023 - DO PASS AS AMENDED BY CS

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