

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3039

By: Stinson

AS INTRODUCED

An Act relating to law library fees; amending 20 O.S. 2021, Section 1226, which relates to amount of transfers to Law Library Fund; modifying transfers; amending 20 O.S. 2021, Section 1224, which relates to the transfer of surplus funds from Law Library Fund; requiring board of trustees vote in certain counties; amending 28 O.S. 2021, Section 152, as amended by Section 1, Chapter 237, O.S.L. 2022 (28 O.S. Supp. 2023, Section 152), which relates to civil court flat fee schedule; modifying assessed amount for certain counties; and providing an effective date.

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

SECTION 1. AMENDATORY 20 O.S. 2021, Section 1226, is amended to read as follows:

Section 1226. ~~A. At the request of the board of trustees of the law library in a county having a population of three hundred thousand (300,000) or more, the presiding judge of an administrative district, with the approval of the Chief Justice of the Supreme Court, shall be authorized to transfer up to Ten Thousand Dollars (\$10,000.00) per fiscal year from the court fund of the county in~~

1 ~~which the law library is located to the Law Library Fund of that~~  
2 ~~county.~~

3 ~~B.~~ In counties having a population of less than three hundred  
4 thousand (300,000), the court fund of the county in which a law  
5 library is located shall annually transfer to the Law Library  
6 Revolving Fund the following amounts:

7 1. In counties having a population of less than ten thousand  
8 (10,000), the sum of Five Thousand Dollars (\$5,000.00); and

9 2. In counties having a population of ten thousand (10,000) or  
10 more, but less than thirty thousand (30,000), the sum of Seven  
11 Thousand Dollars (\$7,000.00); and

12 3. In counties having a population of thirty thousand (30,000)  
13 or more, but less than three hundred thousand (300,000), the sum of  
14 Nine Thousand Dollars (\$9,000.00).

15 SECTION 2. AMENDATORY 20 O.S. 2021, Section 1224, is  
16 amended to read as follows:

17 Section 1224. On August 1 each year the board of trustees shall  
18 transmit to the Supreme Court for deposit in the State Judicial  
19 Revolving Fund all funds on deposit in the law library fund in  
20 excess of twenty-five percent (25%) of the income to such Fund  
21 during the preceding fiscal year, the existing surplus on hand on  
22 the effective date of this act being excluded. Except for counties  
23 having a population of over five hundred thousand (500,000)  
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1 according to the most recent Federal Decennial Census, the board of  
2 trustees shall vote to authorize any funds to the Court Fund.

3 SECTION 3. AMENDATORY 28 O.S. 2021, Section 152, as  
4 amended by Section 1, Chapter 237, O.S.L. 2022 (28 O.S. Supp. 2023,  
5 Section 152), is amended to read as follows:

6 Section 152. A. In any civil case filed in a district court,  
7 the court clerk shall collect, at the time of filing, the following  
8 flat fees, none of which shall ever be refundable, and which shall  
9 be the only charge for court costs, except as is otherwise  
10 specifically provided for by law:

- 11 1. Actions for divorce, alimony without divorce,  
12 separate maintenance, custody or support.....\$183.00
- 13 2. Any ancillary proceeding to modify or vacate  
14 a divorce decree providing for custody or support.....\$43.00
- 15 3. Probate and guardianship.....\$135.00
- 16 4. Annual guardianship report.....\$33.00
- 17 5. Any proceeding for sale or lease of real or  
18 personal property or mineral interest in probate or  
19 guardianship.....\$43.00
- 20 6. Any proceeding to revoke the probate of a  
21 will.....\$43.00
- 22 7. Judicial determination of death.....\$58.00
- 23 8. Adoption.....\$105.00

1	9. Civil actions for an amount of Ten Thousand	
2	Dollars (\$10,000.00) or less and condemnation.....	\$150.00
3	10. Civil actions for an amount of Ten Thousand	
4	One Dollars (\$10,001.00) or more .....	\$163.00
5	11. Garnishment.....	\$23.00
6	12. Continuing wage garnishment.....	\$63.00
7	13. Any other proceeding after judgment.....	\$33.00
8	14. All others, including but not limited to	
9	actions for forcible entry and detainer, judgments	
10	from all other courts, including the Workers'	
11	Compensation Court.....	\$85.00
12	15. Notice of renewal of judgment.....	\$23.00

13 B. In addition to the amounts collected pursuant to paragraphs  
14 1, 3, 7, 8, 9, 10 and 14 of subsection A of this section, in  
15 counties having a population of less than five hundred thousand  
16 (500,000) according to the most recent Federal Decennial Census, the  
17 sum of Six Dollars (\$6.00) shall be assessed and credited to the Law  
18 Library Fund. For counties having a population of over five hundred  
19 thousand (500,000) according to the most recent Federal Decennial  
20 Census, the sum of Twelve Dollars (\$12.00) shall be assessed and  
21 credited to the Law Library Fund pursuant to Section 1201 et seq. of  
22 Title 20 of the Oklahoma Statutes.

23 C. In addition to the amounts collected pursuant to subsections  
24 A and B of this section, the sum of Twenty-five Dollars (\$25.00)

1 shall be assessed and credited to the Oklahoma Court Information  
2 System Revolving Fund created pursuant to Section 1315 of Title 20  
3 of the Oklahoma Statutes.

4 D. In addition to the amounts collected pursuant to subsection  
5 A of this section, the sum of Five Dollars (\$5.00) shall be assessed  
6 and credited to the Oklahoma court-appointed special advocates  
7 (OCASA).

8 E. In addition to the amounts collected pursuant to subsection  
9 A of this section, the sum of Two Dollars (\$2.00) shall be assessed  
10 and credited as follows:

11 1. One Dollar and fifty-five cents (\$1.55) of such amount shall  
12 be credited to the Council on Judicial Complaints Revolving Fund;  
13 and

14 2. Forty-five cents (\$0.45) of such amount shall be credited to  
15 the Supreme Court Revolving Fund and may be budgeted and expended by  
16 the Supreme Court for expenses lawfully incurred for providing  
17 qualified courtroom interpreter services in the district courts, for  
18 credentialing and training Oklahoma courtroom interpreters, and for  
19 any other expenditures determined by the Supreme Court to be  
20 necessary to provide language access in the district courts as  
21 required by state and federal law. Payments of expenses may be made  
22 after the claim or expense is approved by the Chief Justice of the  
23 Supreme Court or another justice designated by the Chief Justice.  
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1 F. In addition to the amounts collected pursuant to paragraphs  
2 1, 3, 8, 9, 10 and 14 of subsection A of this section, each county  
3 may assess, upon approval by the board of county commissioners, a  
4 sum not to exceed Ten Dollars (\$10.00) per case to be credited to  
5 the Sheriff's Service Fee Account in the county in which the action  
6 arose for the purpose of enhancing existing or providing additional  
7 courthouse security.

8 G. Until November 1, 2027, in addition to the amounts collected  
9 pursuant to subsection A of this section, the sum of Ten Dollars  
10 (\$10.00) shall be assessed and credited to the Court Clerk's Records  
11 Management and Preservation Fund created in Section 31.3 of this  
12 title.

13 H. In any case in which a litigant claims to have a just cause  
14 of action and that, by reason of poverty, the litigant is unable to  
15 pay the fees and costs provided for in this section and is  
16 financially unable to employ counsel, upon the filing of an  
17 affidavit in forma pauperis executed before any officer authorized  
18 by law to administer oaths to that effect and upon satisfactory  
19 showing to the court that the litigant has no means and is,  
20 therefore, unable to pay the applicable fees and costs and to employ  
21 counsel, no fees or costs shall be required. The opposing party or  
22 parties may file with the court clerk of the court having  
23 jurisdiction of the cause an affidavit similarly executed  
24 contradicting the allegation of poverty. In all such cases, the

1 court shall promptly set for hearing the determination of  
2 eligibility to litigate without payment of fees or costs. Until a  
3 final order is entered determining that the affiant is ineligible,  
4 the clerk shall permit the affiant to litigate without payment of  
5 fees or costs. Any litigant executing a false affidavit or counter  
6 affidavit pursuant to the provisions of this section shall be guilty  
7 of perjury.

8 I. Payments to the court clerk for fees and costs assessed  
9 pursuant to this section may be made by a nationally recognized  
10 credit or debit card or other electronic payment method as provided  
11 in paragraph 1 of subsection B of Section 151 of this title.

12 SECTION 4. This act shall become effective November 1, 2024.

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