

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2912

By: Wallace and Hilbert of the
House

and

Thompson and Hill of the
Senate

11 COMMITTEE SUBSTITUTE

12 An Act relating to court costs and fees; amending 28
13 O.S. 2011, Section 152, as last amended by Section 7,
14 Chapter 354, O.S.L. 2019 (28 O.S. Supp. 2020, Section
15 152), which relates to flat fee schedule; modifying
16 period of applicability of certain fee; and providing
17 an effective date.

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

19 SECTION 1. AMENDATORY 28 O.S. 2011, Section 152, as last
20 amended by Section 7, Chapter 354, O.S.L. 2019 (28 O.S. Supp. 2020,
21 Section 152), is amended to read as follows:

22 Section 152. A. In any civil case filed in a district court,
23 the court clerk shall collect, at the time of filing, the following
24 flat fees, none of which shall ever be refundable, and which shall

1 be the only charge for court costs, except as is otherwise
2 specifically provided for by law:

- 3 1. Actions for divorce, alimony without divorce, separate
4 maintenance, custody or support.....\$183.00
- 5 2. Any ancillary proceeding to modify or vacate a divorce
6 decree providing for custody or support.....\$43.00
- 7 3. Probate and guardianship.....\$135.00
- 8 4. Annual guardianship report.....\$33.00
- 9 5. Any proceeding for sale or lease of real or personal
10 property or mineral interest in probate or guardianship..\$43.00
- 11 6. Any proceeding to revoke the probate of a will...\$43.00
- 12 7. Judicial determination of death.....\$58.00
- 13 8. Adoption.....\$105.00
- 14 9. Civil actions for an amount of Ten Thousand Dollars
15 (\$10,000.00) or less and condemnation.....\$150.00
- 16 10. Civil actions for an amount of Ten Thousand One Dollars
17 (\$10,001.00) or more\$163.00
- 18 11. Garnishment.....\$23.00
- 19 12. Continuing wage garnishment.....\$63.00
- 20 13. Any other proceeding after judgment.....\$33.00
- 21 14. All others, including but not limited to actions for
22 forcible entry and detainer, judgments from all other courts,
23 including the Workers' Compensation Court.....\$85.00
- 24 15. Notice of renewal of judgment.....\$23.00

1 B. In addition to the amounts collected pursuant to paragraphs
2 1, 3, 7, 8, 9, 10 and 14 of subsection A of this section, the sum of
3 Six Dollars (\$6.00) shall be assessed and credited to the Law
4 Library Fund.

5 C. In addition to the amounts collected pursuant to subsections
6 A and B of this section, the sum of Twenty-five Dollars (\$25.00)
7 shall be assessed and credited to the Oklahoma Court Information
8 System Revolving Fund created pursuant to Section 1315 of Title 20
9 of the Oklahoma Statutes.

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

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

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

20 2. Forty-five cents (\$0.45) of such amount shall be credited to
21 the Supreme Court Revolving Fund to be used to reimburse district
22 courts for expenses related to services of interpreters and
23 translators. Vouchers for such expenses shall be submitted by the
24

1 district court and approved by the Chief Justice of the Supreme
2 Court or another justice designated by the Chief Justice.

3 F. In addition to the amounts collected pursuant to paragraphs
4 1, 3, 8, 9, 10 and 14 of subsection A of this section, each county
5 may assess, upon approval by the board of county commissioners, a
6 sum not to exceed Ten Dollars (\$10.00) per case to be credited to
7 the Sheriff's Service Fee Account in the county in which the action
8 arose for the purpose of enhancing existing or providing additional
9 courthouse security.

10 G. Until November 1, ~~2023~~ 2027, in addition to the amounts
11 collected pursuant to subsection A of this section, the sum of Ten
12 Dollars (\$10.00) shall be assessed and credited to the Court Clerk's
13 Records Management and Preservation Fund created in Section 31.3 of
14 this title.

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

1 jurisdiction of the cause an affidavit similarly executed
2 contradicting the allegation of poverty. In all such cases, the
3 court shall promptly set for hearing the determination of
4 eligibility to litigate without payment of fees or costs. Until a
5 final order is entered determining that the affiant is ineligible,
6 the clerk shall permit the affiant to litigate without payment of
7 fees or costs. Any litigant executing a false affidavit or counter
8 affidavit pursuant to the provisions of this section shall be guilty
9 of perjury.

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

14 SECTION 2. This act shall become effective November 1, 2021.
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16 COMMITTEE REPORT BY: COMMITTEE ON JOINT COMMITTEE ON APPROPRIATIONS
17 AND BUDGET, dated 05/14/2021 - DO PASS, As Amended.
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