

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 4105

By: Menz

AS INTRODUCED

An Act relating to court fees; 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 court filing fees; increasing the flat fee for filing of forcible entry and detainer suit; and providing an effective date.

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

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

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

- 1. Actions for divorce, alimony without divorce, separate maintenance, custody or support.....\$183.00

1	2. Any ancillary proceeding to modify or vacate	
2	a divorce decree providing for custody or support.....	\$43.00
3	3. Probate and guardianship.....	\$135.00
4	4. Annual guardianship report.....	\$33.00
5	5. Any proceeding for sale or lease of real or	
6	personal property or mineral interest in probate or	
7	guardianship.....	\$43.00
8	6. Any proceeding to revoke the probate of a	
9	will.....	\$43.00
10	7. Judicial determination of death.....	\$58.00
11	8. Adoption.....	\$105.00
12	9. Civil actions for an amount of Ten Thousand	
13	Dollars (\$10,000.00) or less and condemnation.....	\$150.00
14	10. Civil actions for an amount of Ten Thousand	
15	One Dollars (\$10,001.00) or more	\$163.00
16	11. Garnishment.....	\$23.00
17	12. Continuing wage garnishment.....	\$63.00
18	13. Any other proceeding after judgment.....	\$33.00
19	14. <u>Forcible entry and detainer</u>	\$100.00
20	<u>15.</u> All others, including but not limited to	
21	actions for forcible entry and detainer, judgments	
22	from all other courts, including the Workers'	
23	Compensation Court.....	\$85.00
24	15. <u>16.</u> Notice of renewal of judgment.....	\$23.00
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1 B. In addition to the amounts collected pursuant to paragraphs
2 1, 3, 7, 8, 9, 10 ~~and~~, 14, and 15 of subsection A of this section,
3 the sum of Six Dollars (\$6.00) shall be assessed and credited to the
4 Law 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)~~ Oklahoma court appointed special advocates (CASA).

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 and may be budgeted and expended by
22 the Supreme Court for expenses lawfully incurred for providing
23 qualified courtroom interpreter services in the district courts, for
24 credentialing and training Oklahoma courtroom interpreters, and for
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1 any other expenditures determined by the Supreme Court to be
2 necessary to provide language access in the district courts as
3 required by state and federal law. Payments of expenses may be made
4 after the claim or expense is approved by the Chief Justice of the
5 Supreme Court or another justice designated by the Chief Justice.

6 F. In addition to the amounts collected pursuant to paragraphs
7 1, 3, 8, 9, 10 ~~and~~, 14, and 15 of subsection A of this section, each
8 county may assess, upon approval by the board of county
9 commissioners, a sum not to exceed Ten Dollars (\$10.00) per case to
10 be credited to the Sheriff's Service Fee Account in the county in
11 which the action arose for the purpose of enhancing existing or
12 providing additional courthouse security.

13 G. Until November 1, 2027, in addition to the amounts collected
14 pursuant to subsection A of this section, the sum of Ten Dollars
15 (\$10.00) shall be assessed and credited to the Court Clerk's Records
16 Management and Preservation Fund created in Section 31.3 of this
17 title.

18 H. In any case in which a litigant claims to have a just cause
19 of action and that, by reason of poverty, the litigant is unable to
20 pay the fees and costs provided for in this section and is
21 financially unable to employ counsel, upon the filing of an
22 affidavit in forma pauperis executed before any officer authorized
23 by law to administer oaths to that effect and upon satisfactory
24 showing to the court that the litigant has no means and is,

1 therefore, unable to pay the applicable fees and costs and to employ
2 counsel, no fees or costs shall be required. The opposing party or
3 parties may file with the court clerk of the court having
4 jurisdiction of the cause an affidavit similarly executed
5 contradicting the allegation of poverty. In all such cases, the
6 court shall promptly set for hearing the determination of
7 eligibility to litigate without payment of fees or costs. Until a
8 final order is entered determining that the affiant is ineligible,
9 the clerk shall permit the affiant to litigate without payment of
10 fees or costs. Any litigant executing a false affidavit or counter
11 affidavit pursuant to the provisions of this section shall be guilty
12 of perjury.

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

17 SECTION 2. This act shall become effective November 1, 2024.

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