

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 483

By: Smalley

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5  
6 AS INTRODUCED

7 An Act relating to fees; amending 28 O.S. 2011,  
8 Section 152, as last amended by Section 3, Chapter  
9 362, O.S.L. 2016 (28 O.S. Supp. 2018, Section 152),  
10 which relates to court fees; providing for certain  
11 additional assessment; providing for crediting of the  
12 assessment to certain fund; stating purpose of  
13 certain fee; creating the Court Clerk's Records  
14 Management and Preservation Fund; stating purpose of  
15 certain fund; making funds nonfiscal; stating source  
16 of revenue; prohibiting transfer to other funds;  
17 stating purpose; providing for codification;  
18 providing an effective date; and declaring an  
19 emergency.

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

21 SECTION 1. AMENDATORY 28 O.S. 2011, Section 152, as last  
22 amended by Section 3, Chapter 362, O.S.L. 2016 (28 O.S. Supp. 2018,  
23 Section 152), is amended to read as follows:

24 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        1.    Actions for divorce, alimony without
- 2                divorce, separate maintenance, custody or
- 3                support.....\$183.00
- 4        2.    Any ancillary proceeding to modify or
- 5                vacate a divorce decree providing for
- 6                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
- 10               personal property or mineral interest in
- 11               probate or guardianship.....\$43.00
- 12        6.    Any proceeding to revoke the probate of a
- 13               will.....\$43.00
- 14        7.    Judicial determination of death.....\$58.00
- 15        8.    Adoption.....\$105.00
- 16        9.    Civil actions for an amount of Ten Thousand
- 17               Dollars (\$10,000.00) or less and
- 18               condemnation.....\$150.00
- 19        10.   Civil actions for an amount of Ten
- 20               Thousand One Dollars (\$10,001.00) or more.....\$163.00
- 21        11.   Garnishment.....\$23.00
- 22        12.   Continuing wage garnishment.....\$63.00
- 23        13.   Any other proceeding after judgment.....\$33.00
- 24

- 1 14. All others, including but not limited to  
2 actions for forcible entry and detainer,  
3 judgments from all other courts, including  
4 the Workers' Compensation Court.....\$85.00  
5 15. Notice of renewal of judgment.....\$23.00

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

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

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

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

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

1           2. Forty-five cents (\$0.45) of such amount shall be credited to  
2 the State Judicial Revolving Fund to be used to reimburse district  
3 courts for expenses related to services of interpreters and  
4 translators. Vouchers for such expenses shall be submitted by the  
5 district court and approved by the Chief Justice of the Supreme  
6 Court or another justice designated by the Chief Justice.

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

14           G. In addition to the amounts collected pursuant to subsection  
15 A of this section, the sum of Ten Dollars (\$10.00) shall be assessed  
16 and credited to the Court Clerk's Records Management and  
17 Preservation Fund created in Section 2 of this act for the purpose  
18 of preserving, maintaining, archiving and protecting recorded  
19 instruments within the office of clerk of the district court  
20 including, but not limited to, records management, preservation,  
21 automation and modernization and related lawful expenditures.

22           H. In any case in which a litigant claims to have a just cause  
23 of action and that, by reason of poverty, the litigant is unable to  
24 pay the fees and costs provided for in this section and is

1 financially unable to employ counsel, upon the filing of an  
2 affidavit in forma pauperis executed before any officer authorized  
3 by law to administer oaths to that effect and upon satisfactory  
4 showing to the court that the litigant has no means and is,  
5 therefore, unable to pay the applicable fees and costs and to employ  
6 counsel, no fees or costs shall be required. The opposing party or  
7 parties may file with the court clerk of the court having  
8 jurisdiction of the cause an affidavit similarly executed  
9 contradicting the allegation of poverty. In all such cases, the  
10 court shall promptly set for hearing the determination of  
11 eligibility to litigate without payment of fees or costs. Until a  
12 final order is entered determining that the affiant is ineligible,  
13 the clerk shall permit the affiant to litigate without payment of  
14 fees or costs. Any litigant executing a false affidavit or counter  
15 affidavit pursuant to the provisions of this section shall be guilty  
16 of perjury.

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

21 SECTION 2. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 31.3 of Title 28, unless there  
23 is created a duplication in numbering, reads as follows:  
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1           There is hereby created a fund in each county to be known as the  
2 "Court Clerk's Records Management and Preservation Fund" for the  
3 purpose of preserving, maintaining, archiving and protecting  
4 recorded instruments within the office of clerk of the district  
5 court including, but not limited to, records management,  
6 preservation, automation and modernization and related lawful  
7 expenditures. Each fund shall be a continuing fund, not subject to  
8 fiscal year limitations, and shall consist of revenues from the fees  
9 prescribed in subsection G of Section 152 of Title 28 of the  
10 Oklahoma Statutes. All monies accruing to each fund shall be  
11 expended by the clerk of the district court and shall not be  
12 transferred to any other fund. Each fund shall be retained and used  
13 for the preservation of court records maintained within the county  
14 in which such fees are collected.

15           SECTION 3. This act shall become effective July 1, 2019.

16           SECTION 4. It being immediately necessary for the preservation  
17 of the public peace, health or safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.

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