

1 **SENATE FLOOR VERSION**

2 February 19, 2019

3 SENATE BILL NO. 483

By: Smalley of the Senate

4 and

5 Osburn of the House

6
7
8 An Act relating to fees; amending 28 O.S. 2011,
9 Section 152, as last amended by Section 3, Chapter
10 362, O.S.L. 2016 (28 O.S. Supp. 2018, Section 152),
11 which relates to court fees; providing for certain
12 additional assessment; providing for crediting of the
13 assessment to certain fund; stating purpose of
14 certain fee; creating the Court Clerk's Records
15 Management and Preservation Fund; stating purpose of
16 certain fund; making funds nonfiscal; stating source
17 of revenue; prohibiting transfer to other funds;
18 stating purpose; providing for codification;
19 providing an effective date; and declaring an
20 emergency.

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

22 SECTION 1. AMENDATORY 28 O.S. 2011, Section 152, as last
23 amended by Section 3, Chapter 362, O.S.L. 2016 (28 O.S. Supp. 2018,
24 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

- 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
4 divorce, separate maintenance, custody or
5 support.....\$183.00
 - 6 2. Any ancillary proceeding to modify or
7 vacate a divorce decree providing for
8 custody or support.....\$43.00
 - 9 3. Probate and guardianship.....\$135.00
 - 10 4. Annual guardianship report.....\$33.00
 - 11 5. Any proceeding for sale or lease of real or
12 personal property or mineral interest in
13 probate or guardianship.....\$43.00
 - 14 6. Any proceeding to revoke the probate of a
15 will.....\$43.00
 - 16 7. Judicial determination of death.....\$58.00
 - 17 8. Adoption.....\$105.00
 - 18 9. Civil actions for an amount of Ten Thousand
19 Dollars (\$10,000.00) or less and
20 condemnation.....\$150.00
 - 21 10. Civil actions for an amount of Ten
22 Thousand One Dollars (\$10,001.00) or more.....\$163.00
 - 23 11. Garnishment.....\$23.00
 - 24 12. Continuing wage garnishment.....\$63.00

1 13. Any other proceeding after judgment.....\$33.00

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

6 15. Notice of renewal of judgment.....\$23.00

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

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

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

20 E. In addition to the amounts collected pursuant to subsection
21 A of this section, the sum of Two Dollars (\$2.00) shall be assessed
22 and credited as follows:
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24

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

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

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

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

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

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

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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 31.3 of Title 28, unless there
3 is created a duplication in numbering, reads as follows:

4 There is hereby created a fund in each county to be known as the
5 "Court Clerk's Records Management and Preservation Fund" for the
6 purpose of preserving, maintaining, archiving and protecting
7 recorded instruments within the office of clerk of the district
8 court including, but not limited to, records management,
9 preservation, automation and modernization and related lawful
10 expenditures. Each fund shall be a continuing fund, not subject to
11 fiscal year limitations, and shall consist of revenues from the fees
12 prescribed in subsection G of Section 152 of Title 28 of the
13 Oklahoma Statutes. All monies accruing to each fund shall be
14 expended by the clerk of the district court and shall not be
15 transferred to any other fund. Each fund shall be retained and used
16 for the preservation of court records maintained within the county
17 in which such fees are collected.

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
24 February 19, 2019 - DO PASS