

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 2162

By: McCullough

4
5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Court Information
8 System; amending 20 O.S. 2011, Section 1315, as
9 amended by Section 84, Chapter 304, O.S.L. 2012 (20
10 O.S. Supp. 2014, Section 1315), which relates to the
11 Oklahoma Court Information System; setting reasonable
12 maximum fee; requiring audit of Oklahoma Court
13 Information System Revolving Fund; specifying Fund
14 will pay for audit; directing submission of audit to
15 certain elected officials; amending 28 O.S. 2011,
16 Sections 152 and 153, which relate to filing fees for
17 civil and criminal cases; providing end date for
18 certain assessment; and declaring an emergency.

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

20 SECTION 1. AMENDATORY 20 O.S. 2011, Section 1315, as
21 amended by Section 84, Chapter 304, O.S.L. 2012 (20 O.S. Supp. 2014,
22 Section 1315), is amended to read as follows:

23 Section 1315. A. 1. The Supreme Court, by and through the
24 office of the Administrative Director of the Courts, shall establish
a court information system to be designated the "Oklahoma Court
Information System" for the purpose of providing data processing
services to state agencies, boards, and commissions and other
entities pursuant to contract. The Administrative Director of the

1 Courts may assess a reasonable fee not to exceed Twenty-five Dollars
2 (\$25.00) for such services.

3 2. Court clerks and judges of the district courts of this state
4 shall utilize the case tracking, accounting, legal research, and
5 other services of the "Oklahoma Court Information System" at the
6 direction of the Chief Justice of the Supreme Court. The
7 development and implementation of the system's accounting, auditing,
8 and financial reporting functions shall be subject to the approval
9 of the State Auditor and Inspector.

10 B. There is hereby created in the State Treasury a revolving
11 fund for the Supreme Court to be designated the "Oklahoma Court
12 Information System Revolving Fund". The fund shall be a continuing
13 fund, not subject to fiscal year limitations, and shall consist of
14 all monies received in payment of data processing services furnished
15 pursuant to contract. The Administrative Director of the Courts, at
16 the end of each month, shall issue a statement of charges to each
17 entity for which data processing services were furnished. The cost
18 for data processing services shall be recovered directly from the
19 entity for which such services were furnished and shall not be
20 prorated to or payable by those not receiving the services. All
21 monies accruing to the credit of the fund are hereby appropriated
22 and may be budgeted and expended by the Supreme Court for the
23 acquisition, operation, maintenance, repair, and replacement of data
24 processing equipment and software. Expenditures from the fund shall

1 be made upon warrants issued by the State Treasurer against claims
2 filed as prescribed by law with the Director of the Office of
3 Management and Enterprise Services for approval and payment.

4 C. The State Auditor and Inspector shall conduct a financial
5 and performance audit to examine all records and documents of the
6 Oklahoma Court Information System Revolving Fund. The expense of
7 the audit shall be paid by the Oklahoma Court Information System
8 Revolving Fund. A copy of the financial and performance audit shall
9 be submitted no later than January 1, 2016, to the Governor, the
10 Speaker of the House of Representatives and the President Pro
11 Tempore of the Senate.

12 SECTION 2. AMENDATORY 28 O.S. 2011, Section 152, is
13 amended to read as follows:

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

- 19 1. Actions for divorce, alimony without
20 divorce, separate maintenance, custody or
21 support.....\$143.00
- 22 2. Any ancillary proceeding to modify or
23 vacate a divorce decree providing for
24 custody or support.....\$43.00

- 1 3. Probate and guardianship.....\$135.00
- 2 4. Annual guardianship report.....\$33.00
- 3 5. Any proceeding for sale or lease of real or
- 4 personal property or mineral interest in
- 5 probate or guardianship.....\$43.00
- 6 6. Any proceeding to revoke the probate of a
- 7 will.....\$43.00
- 8 7. Judicial determination of death.....\$58.00
- 9 8. Adoption.....\$105.00
- 10 9. Civil actions for an amount of Ten Thousand
- 11 Dollars (\$10,000.00) or less and
- 12 condemnation.....\$150.00
- 13 10. Civil actions for an amount of Ten
- 14 Thousand One Dollars (\$10,001.00) or more\$163.00
- 15 11. Garnishment.....\$23.00
- 16 12. Continuing wage garnishment.....\$63.00
- 17 13. Any other proceeding after judgment.....\$33.00
- 18 14. All others, including but not limited to
- 19 actions for forcible entry and detainer,
- 20 judgments from all other courts, including
- 21 the Workers' Compensation Court.....\$85.00
- 22 15. Notice of renewal of judgment.....\$23.00

23 B. In addition to the amounts collected pursuant to paragraphs
 24 1, 3, 7, 8, 9, 10 and 14 of subsection A of this section, the sum of

1 Six Dollars (\$6.00) shall be assessed and credited to the Law
2 Library Fund.

3 C. In addition to the amounts collected pursuant to subsections
4 A and B of this section, until July 1, 2017, the sum of Twenty-five
5 Dollars (\$25.00) shall be assessed and credited to the Oklahoma
6 Court Information System Revolving Fund created pursuant to Section
7 1315 of Title 20 of the Oklahoma Statutes.

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

12 E. In addition to the amounts collected pursuant to subsection
13 A of this section, the sum of Two Dollars (\$2.00) shall be assessed
14 and credited to the Council on Judicial Complaints Revolving Fund.

15 F. 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 G. 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 3. AMENDATORY 28 O.S. 2011, Section 153, is
15 amended to read as follows:

16 Section 153. A. The clerks of the courts shall collect as
17 costs in every criminal case for each offense of which the defendant
18 is convicted, irrespective of whether or not the sentence is
19 deferred, the following flat charges and no more, except for
20 standing and parking violations and for charges otherwise provided
21 for by law, which fee shall cover docketing of the case, filing of
22 all papers, issuance of process, warrants, orders, and other
23 services to the date of judgment:

24

- 1 1. For each defendant convicted of
2 exceeding the speed limit by at least
3 one (1) mile per hour but not more
4 than ten (10) miles per hour, whether
5 charged individually or conjointly
6 with others.....\$77.00
- 7 2. For each defendant convicted of a
8 misdemeanor traffic violation other
9 than an offense provided for in
10 paragraph 1 or 5 of this subsection,
11 whether charged individually or
12 conjointly with others.....\$98.00
- 13 3. For each defendant convicted of a
14 misdemeanor, other than for driving
15 under the influence of alcohol or
16 other intoxicating substance or an
17 offense provided for in paragraph 1 or
18 2 of this subsection, whether charged
19 individually or conjointly with others.....\$93.00
- 20 4. For each defendant convicted of a
21 felony, other than for driving under
22 the influence of alcohol or other
23 intoxicating substance, whether
24

1 charged individually or conjointly
2 with others.....\$103.00

3 5. For each defendant convicted of the
4 misdemeanor of driving under the
5 influence of alcohol or other
6 intoxicating substance, whether charged
7 individually or conjointly with others..... \$433.00

8 6. For each defendant convicted of the
9 felony of driving under the influence
10 of alcohol or other intoxicating
11 substance, whether charged
12 individually or conjointly with others.....\$433.00

13 7. For the services of a court reporter at
14 each preliminary hearing and trial
15 held in the case.....\$20.00

16 8. For each time a jury is requested.....\$30.00

17 9. A sheriff's fee for serving or
18 endeavoring to serve each writ,
19 warrant, order, process, command, or
20 notice or pursuing any fugitive from
21 justice

22 a. within the county..... \$50.00, or
23 mileage as
24 established by the

1 Oklahoma Statutes,
2 whichever is
3 greater, or
4 b. outside of the county..... \$50.00, or
5 actual, necessary
6 expenses, whichever
7 is greater

8 10. For the services of a language interpreter, other than an
9 interpreter appointed pursuant to the provisions of the Oklahoma
10 Interpreter for the Deaf Act, at each hearing held in the case, the
11 actual cost of the interpreter.

12 B. In addition to the amount collected pursuant to paragraphs 2
13 through 6 of subsection A of this section, the sum of Six Dollars
14 (\$6.00) shall be assessed and credited to the Law Library Fund
15 pursuant to Section 1201 et seq. of Title 20 of the Oklahoma
16 Statutes.

17 C. In addition to the amount collected pursuant to subsection A
18 of this section, the sum of Ten Dollars (\$10.00) shall be assessed
19 and collected in every traffic case for each offense other than for
20 driving under the influence of alcohol or other intoxicating
21 substance; the sum of Fifteen Dollars (\$15.00) shall be assessed and
22 collected in every misdemeanor case for each offense; the sum of
23 Fifteen Dollars (\$15.00) shall be assessed and collected in every
24 misdemeanor case for each offense for driving under the influence of

1 alcohol or other intoxicating substance; the sum of Twenty-five
2 Dollars (\$25.00) shall be assessed and collected in every felony
3 case for each offense; and the sum of Twenty-five Dollars (\$25.00)
4 shall be assessed and collected in every felony case for each
5 offense for driving under the influence of alcohol or other
6 intoxicating substance.

7 D. In addition to the amounts collected pursuant to subsections
8 A and B of this section, until July 1, 2017, the sum of Twenty-five
9 Dollars (\$25.00) shall be assessed and credited to the Oklahoma
10 Court Information System Revolving Fund created pursuant to Section
11 1315 of Title 20 of the Oklahoma Statutes.

12 E. In addition to the amount collected pursuant to paragraphs 1
13 through 6 of subsection A of this section, the sum of Ten Dollars
14 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee
15 Account in the county in which the conviction occurred for the
16 purpose of enhancing existing or providing additional courthouse
17 security.

18 F. In addition to the amounts collected pursuant to paragraphs
19 1 through 6 of subsection A of this section, the sum of Three
20 Dollars (\$3.00) shall be assessed and credited to the Office of the
21 Attorney General Victim Services Unit.

22 G. In addition to the amounts collected pursuant to paragraphs
23 1 through 6 of subsection A of this section, the sum of Three
24 Dollars (\$3.00) shall be assessed and credited to the Child Abuse

1 Multidisciplinary Account. This fee shall not be used for purposes
2 of hiring or employing any law enforcement officers.

3 H. Prior to conviction, parties in criminal cases shall not be
4 required to pay, advance, or post security for the services of a
5 language interpreter or for the issuance or service of process to
6 obtain compulsory attendance of witnesses.

7 I. The amounts to be assessed as court costs upon filing of a
8 case shall be those amounts above-stated in paragraph 3 or 4 of
9 subsection A and subsection B, C, D and E of this section.

10 J. The fees collected pursuant to this section shall be
11 deposited into the court fund, except the following:

12 1. A court clerk issuing a misdemeanor warrant is entitled to
13 ten percent (10%) of the sheriff's service fee, provided for in
14 paragraph 9 of subsection A of this section, collected on a warrant
15 referred to the contractor for the misdemeanor warrant notification
16 program governed by Sections 514.4 and 514.5 of Title 19 of the
17 Oklahoma Statutes. This ten-percent sum shall be deposited into the
18 issuing Court Clerk's Revolving Fund, created pursuant to Section
19 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing
20 the warrant with the balance of the sheriff's service fee to be
21 deposited into the Sheriff's Service Fee Account, created pursuant
22 to the provisions of Section 514.1 of Title 19 of the Oklahoma
23 Statutes, of the sheriff in the county in which service is made or
24 attempted. Otherwise, the sheriff's service fee, when collected,

1 shall be deposited in its entirety into the Sheriff's Service Fee
2 Account of the sheriff in the county in which service is made or
3 attempted;

4 2. The sheriff's fee provided for in Section 153.2 of this
5 title;

6 3. The witness fees paid by the district attorney pursuant to
7 the provisions of Section 82 of this title which, if collected by
8 the court clerk, shall be transferred to the district attorney's
9 office in the county where witness attendance was required. Fees
10 transferred pursuant to this paragraph shall be deposited in the
11 district attorney's maintenance and operating expense account;

12 4. The fees provided for in subsection C of this section shall
13 be forwarded to the District Attorneys Council Revolving Fund to
14 defray the costs of prosecution; and

15 5. The following amounts of the fees provided for in paragraphs
16 2, 3, 5 and 6 of subsection A of this section, when collected, shall
17 be deposited in the Trauma Care Assistance Revolving Fund, created
18 pursuant to the provisions of Section 1-2530.9 of Title 63 of the
19 Oklahoma Statutes:

20 a. Ten Dollars (\$10.00) of the Ninety-eight-Dollar fee
21 provided for in paragraph 2 of subsection A of this
22 section,

23
24

1 b. Ten Dollars (\$10.00) of the Ninety-three-Dollar fee
2 provided for in paragraph 3 of subsection A of this
3 section,

4 c. One Hundred Dollars (\$100.00) of the Four-Hundred-
5 Thirty-three-Dollar fee provided for in paragraph 5 of
6 subsection A of this section, and

7 d. One Hundred Dollars (\$100.00) of the Four-Hundred-
8 Thirty-three-Dollar fee provided for in paragraph 6 of
9 subsection A of this section.

10 K. Costs required to be collected pursuant to this section
11 shall not be dismissed or waived; provided, if the court determines
12 that a person needing the services of a language interpreter is
13 indigent, the court may waive all or part of the costs or require
14 the payment of costs in installments.

15 L. As used in this section, "convicted" means any final
16 adjudication of guilt, whether pursuant to a plea of guilty or nolo
17 contendere or otherwise, and any deferred judgment or suspended
18 sentence.

19 M. A court clerk may accept in payment for any fee, fine,
20 forfeiture payment, cost, penalty assessment or other charge or
21 collection to be assessed or collected by a court clerk pursuant to
22 this section a nationally recognized credit card or debit card or
23 other electronic payment method as provided in paragraph 1 of
24 subsection B of Section 151 of this title.

1 N. Upon receipt of payment of fines and costs for offenses
2 charged prior to July 1, 1992, the court clerk shall apportion and
3 pay Thirteen Dollars (\$13.00) per conviction to the court fund.

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

8

9 55-1-5073 EK 01/15/15

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24