

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 3203

By: Sears and Casey of the
House

4 and

5 Jolley and Treat of the
6 Senate

7
8
9 AS INTRODUCED

10 An Act relating to courts; amending 20 O.S. 2011,
11 Section 1315, as amended by Section 84, Chapter 304,
12 O.S.L. 2012 (20 O.S. Supp. 2015, Section 1315), which
13 relates to the Oklahoma Court Information System;
14 renaming Oklahoma Court Information System Revolving
15 Fund; authorizing certain expenditures from fund;
16 directing transfer of funds upon request; amending 28
17 O.S. 2011, Sections 152, as amended by Section 1,
18 Chapter 384, O.S.L. 2015 and 153 (28 O.S. Supp. 2015,
19 Section 152), which relate to court fees; updating
20 fund name; and declaring an emergency.

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

24 SECTION 1. AMENDATORY 20 O.S. 2011, Section 1315, as
amended by Section 84, Chapter 304, O.S.L. 2012 (20 O.S. Supp. 2015,
Section 1315), is amended to read as follows:

A. 1. The Supreme Court, by and through the office of the
Administrative Director of the Courts, shall establish a court
information system to be designated the "Oklahoma Court Information

1 System" for the purpose of providing data processing services to
2 state agencies, boards, and commissions and other entities pursuant
3 to contract. The Administrative Director of the Courts may assess a
4 reasonable fee for such services.

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

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

1 acquisition, operation, maintenance, repair, and replacement of data
2 processing equipment and software and for the operational expenses
3 of any court which is subject to the authority of the Administrative
4 Director of the Courts. Expenditures from the fund shall be made
5 upon warrants issued by the State Treasurer against claims filed as
6 prescribed by law with the Director of the Office of Management and
7 Enterprise Services for approval and payment. The Office of
8 Management and Enterprise Services shall, at the request of the
9 Administrative Director of the Courts, transfer from the Oklahoma
10 Court System Revolving Fund to the District Court Interagency
11 Reimbursement Fund an amount that the Administrative Director of the
12 Courts, with the approval of the Chief Justice of the Supreme Court
13 shall deem appropriate and necessary to perform the duties imposed
14 upon the district courts by law.

15 SECTION 2. AMENDATORY 28 O.S. 2011, Section 152, as
16 amended by Section 1, Chapter 384, O.S.L. 2015 (28 O.S. Supp. 2015,
17 Section 152), is amended to read as follows:

18 Section 152. A. In any civil case filed in a district court,
19 the court clerk shall collect, at the time of filing, the following
20 flat fees, none of which shall ever be refundable, and which shall
21 be the only charge for court costs, except as is otherwise
22 specifically provided for by law:
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1	1. Actions for divorce, alimony without	
2	divorce, separate maintenance, custody or	
3	support.....	\$143.00
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 any case in which a litigant claims to have a just cause
8 of action and that, by reason of poverty, the litigant is unable to
9 pay the fees and costs provided for in this section and is
10 financially unable to employ counsel, upon the filing of an
11 affidavit in forma pauperis executed before any officer authorized
12 by law to administer oaths to that effect and upon satisfactory
13 showing to the court that the litigant has no means and is,
14 therefore, unable to pay the applicable fees and costs and to employ
15 counsel, no fees or costs shall be required. The opposing party or
16 parties may file with the court clerk of the court having
17 jurisdiction of the cause an affidavit similarly executed
18 contradicting the allegation of poverty. In all such cases, the
19 court shall promptly set for hearing the determination of
20 eligibility to litigate without payment of fees or costs. Until a
21 final order is entered determining that the affiant is ineligible,
22 the clerk shall permit the affiant to litigate without payment of
23 fees or costs. Any litigant executing a false affidavit or counter
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1 affidavit pursuant to the provisions of this section shall be guilty
2 of perjury.

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

7 SECTION 3. AMENDATORY 28 O.S. 2011, Section 153, is
8 amended to read as follows:

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

- 17 1. For each defendant convicted of
18 exceeding the speed limit by at least
19 one (1) mile per hour but not more
20 than ten (10) miles per hour, whether
21 charged individually or conjointly
22 with others.....\$77.00
- 23 2. For each defendant convicted of a
24 misdemeanor traffic violation other

1 than an offense provided for in
2 paragraph 1 or 5 of this subsection,
3 whether charged individually or
4 conjointly with others.....\$98.00

5 3. For each defendant convicted of a
6 misdemeanor, other than for driving
7 under the influence of alcohol or
8 other intoxicating substance or an
9 offense provided for in paragraph 1 or
10 2 of this subsection, whether charged
11 individually or conjointly with others.....\$93.00

12 4. For each defendant convicted of a
13 felony, other than for driving under
14 the influence of alcohol or other
15 intoxicating substance, whether
16 charged individually or conjointly
17 with others.....\$103.00

18 5. For each defendant convicted of the
19 misdemeanor of driving under the
20 influence of alcohol or other
21 intoxicating substance, whether charged
22 individually or conjointly with others..... \$433.00

23 6. For each defendant convicted of the
24 felony of driving under the influence

1 of alcohol or other intoxicating
2 substance, whether charged
3 individually or conjointly with others.....\$433.00

4 7. For the services of a court reporter at
5 each preliminary hearing and trial
6 held in the case.....\$20.00

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

8 9. A sheriff's fee for serving or
9 endeavoring to serve each writ,
10 warrant, order, process, command, or
11 notice or pursuing any fugitive from
12 justice

13 a. within the county..... \$50.00, or
14 mileage as
15 established by the
16 Oklahoma Statutes,
17 whichever is
18 greater, or

19 b. outside of the county..... \$50.00, or
20 actual, necessary
21 expenses, whichever
22 is greater

23 10. For the services of a language interpreter, other than an
24 interpreter appointed pursuant to the provisions of the Oklahoma

1 Interpreter for the Deaf Act, at each hearing held in the case, the
2 actual cost of the interpreter.

3 B. In addition to the amount collected pursuant to paragraphs 2
4 through 6 of subsection A of this section, the sum of Six Dollars
5 (\$6.00) shall be assessed and credited to the Law Library Fund
6 pursuant to Section 1201 et seq. of Title 20 of the Oklahoma
7 Statutes.

8 C. In addition to the amount collected pursuant to subsection A
9 of this section, the sum of Ten Dollars (\$10.00) shall be assessed
10 and collected in every traffic case for each offense other than for
11 driving under the influence of alcohol or other intoxicating
12 substance; the sum of Fifteen Dollars (\$15.00) shall be assessed and
13 collected in every misdemeanor case for each offense; the sum of
14 Fifteen Dollars (\$15.00) shall be assessed and collected in every
15 misdemeanor case for each offense for driving under the influence of
16 alcohol or other intoxicating substance; the sum of Twenty-five
17 Dollars (\$25.00) shall be assessed and collected in every felony
18 case for each offense; and the sum of Twenty-five Dollars (\$25.00)
19 shall be assessed and collected in every felony case for each
20 offense for driving under the influence of alcohol or other
21 intoxicating substance.

22 D. In addition to the amounts collected pursuant to subsections
23 A and B of this section, the sum of Twenty-five Dollars (\$25.00)
24 shall be assessed and credited to the Oklahoma Court ~~Information~~

1 System Revolving Fund created pursuant to Section 1315 of Title 20
2 of the Oklahoma Statutes.

3 E. In addition to the amount collected pursuant to paragraphs 1
4 through 6 of subsection A of this section, the sum of Ten Dollars
5 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee
6 Account in the county in which the conviction occurred for the
7 purpose of enhancing existing or providing additional courthouse
8 security.

9 F. In addition to the amounts collected pursuant to paragraphs
10 1 through 6 of subsection A of this section, the sum of Three
11 Dollars (\$3.00) shall be assessed and credited to the Office of the
12 Attorney General Victim Services Unit.

13 G. In addition to the amounts collected pursuant to paragraphs
14 1 through 6 of subsection A of this section, the sum of Three
15 Dollars (\$3.00) shall be assessed and credited to the Child Abuse
16 Multidisciplinary Account. This fee shall not be used for purposes
17 of hiring or employing any law enforcement officers.

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

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

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

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

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

21 3. The witness fees paid by the district attorney pursuant to
22 the provisions of Section 82 of this title which, if collected by
23 the court clerk, shall be transferred to the district attorney's
24 office in the county where witness attendance was required. Fees

1 transferred pursuant to this paragraph shall be deposited in the
2 district attorney's maintenance and operating expense account;

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

6 5. The following amounts of the fees provided for in paragraphs
7 2, 3, 5 and 6 of subsection A of this section, when collected, shall
8 be deposited in the Trauma Care Assistance Revolving Fund, created
9 pursuant to the provisions of Section 1-2530.9 of Title 63 of the
10 Oklahoma Statutes:

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

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

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

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

23 K. Costs required to be collected pursuant to this section
24 shall not be dismissed or waived; provided, if the court determines

1 that a person needing the services of a language interpreter is
2 indigent, the court may waive all or part of the costs or require
3 the payment of costs in installments.

4 L. As used in this section, "convicted" means any final
5 adjudication of guilt, whether pursuant to a plea of guilty or nolo
6 contendere or otherwise, and any deferred judgment or suspended
7 sentence.

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

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

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

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