

An Act

ENROLLED SENATE
BILL NO. 694

By: Thompson of the Senate

and

Kannady of the House

An Act relating to court funds; amending 12 O.S. 2011, Section 1809, as amended by Section 1, Chapter 362, O.S.L. 2016 (12 O.S. Supp. 2018, Section 1809), which relates to collection and disposition of court costs and fees; removing fee for certain dispute resolution services; modifying fund for certain deposits; creating Dispute Resolution System Revolving Fund; making funds nonfiscal; stating source of revenue; stating purpose of fund; amending 20 O.S. 2011, Sections 72, 73.5, 1310.1, as last amended by Section 2, Chapter 12, O.S.L. 2017 and 1507 (20 O.S. Supp. 2018, Section 1310.1), which relate to quarterly accounting, copies of opinions, Supreme Court Revolving Fund and deposit of fees; modifying fund for certain deposits; modifying authorized deposits and expenditures for certain fund; modifying fund for certain deposits; making language gender neutral; updating statutory language; amending 28 O.S. 2011, Section 152, as last amended by Section 1 of Enrolled House Bill No. 1091 of the 1st Session of the 57th Oklahoma Legislature (28 O.S. Supp. 2018, Section 152), which relates to filing fees in civil cases; modifying fund for certain deposits; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Court funds and fees

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

SECTION 1. AMENDATORY 12 O.S. 2011, Section 1809, as amended by Section 1, Chapter 362, O.S.L. 2016 (12 O.S. Supp. 2018, Section 1809), is amended to read as follows:

Section 1809. A. ~~1-~~ To establish and maintain an alternative dispute resolution system, court costs in the amount of Seven Dollars (\$7.00) shall be taxed, collected, and paid as other court costs in all civil cases. ~~When dispute resolution services are sought, a fee in the amount of Five Dollars (\$5.00) shall be assessed by the center and collected from the initiating party. If the responding party agrees to participate in mediation of the dispute, a fee of Five Dollars (\$5.00) shall be assessed by the center and collected from the responding party.~~

The fee of an initiating or responding party shall be waived by the center upon receipt of an affidavit in forma pauperis executed under oath by such party.

~~2. Except for the court costs and fees provided for in this subsection, dispute resolution services shall be provided without cost to participants.~~

B. The court costs and fees provided for in subsection A of this section, once collected, shall be transferred by the court clerk to the Director who shall deposit them in the State Judicial Dispute Resolution System Revolving Fund referenced in Section 2 of this act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1809.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Supreme Court to be designated the "Dispute Resolution System Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies collected pursuant to Section 1809 of Title 12 of the Oklahoma Statutes. All monies accruing to the credit of the fund are hereby

appropriated and shall be budgeted and expended by the Supreme Court as necessary to perform the duties imposed upon the Supreme Court to administer the Dispute Resolution Act by law.

SECTION 3. AMENDATORY 20 O.S. 2011, Section 72, is amended to read as follows:

Section 72. The Clerk of the Supreme Court shall, on the first Monday of January, April, July and October of each year, make out and present to the Administrative Director an itemized and verified report of all fees earned and collected by ~~him~~ the clerk during the preceding quarter, and shall transfer all monies so earned to the State Treasurer for deposit in the ~~State Judicial~~ Supreme Court Revolving Fund.

SECTION 4. AMENDATORY 20 O.S. 2011, Section 73.5, is amended to read as follows:

Section 73.5 From and after ~~the effective date of this act~~ January 1, 1954, the new opinions of the Supreme Court, the Court of Criminal Appeals and the Court of Appeals shall be promptly furnished, at a cost of twenty-five cents (\$0.25) per page, to any person, firm or corporation who shall request same in writing to the Clerk of the Supreme Court for the purpose of publishing, editing and binding ~~said~~ the opinions. For any other purpose, other persons, firms or corporations shall be furnished, upon request in writing to the Clerk of the Supreme Court, copies of ~~said~~ the opinions, or any instrument of record or other record filed with the Clerk of the Supreme Court, at that fee mandated by Section 31 of Title 28 of the Oklahoma Statutes, for the copying of any instrument of record or on file. Provided however, ~~said~~ the opinions shall be furnished free of cost to the litigants involved, and to the Oklahoma Bar Association for any official publication of ~~said~~ the Association.

All monies collected by the Clerk of the Supreme Court for ~~said~~ the opinions and other copies shall be by ~~said~~ the Clerk deposited monthly to the credit of the ~~State Judicial~~ Supreme Court Revolving Fund of the State of Oklahoma.

SECTION 5. AMENDATORY 20 O.S. 2011, Section 1310.1, as last amended by Section 2, Chapter 12, O.S.L. 2017 (20 O.S. Supp. 2018, Section 1310.1), is amended to read as follows:

Section 1310.1 A. There is hereby created in the State Treasury a revolving fund for the Supreme Court, to be designated the "Supreme Court Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies appropriated by the Legislature for the purposes specified in this section and fees collected pursuant to Sections 72, 73.5, 1506 and 1707 of this title and paragraph 2 of subsection E of Section 152 of Title 28 of the Oklahoma Statutes. All monies accruing to the credit of ~~said~~ the fund are hereby appropriated and may be budgeted and expended by the Supreme Court for refunds to bondsmen and for the purpose of paying expenses authorized by Section 1809 of Title 12 of the Oklahoma Statutes, Sections 103.1, 1311, 1507, 1660 and 1707 of this title, ~~and~~ Sections 562 and 1355.13A of Title 22 and paragraph 2 of subsection E of Section 152 of Title 28 of the Oklahoma Statutes, and to make any other expenditures determined by the Supreme Court to be necessary due to unforeseen emergencies impacting the operation of state courts, as well as recurring and nonrecurring expenditures to perform the duties imposed upon the Supreme Court or Court of Civil Appeals by law. Expenditures from ~~said~~ the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. Until June 30, 2018, the Office of Management and Enterprise Services shall at the request of the Administrative Director of the Courts, transfer any monies from the Supreme Court Revolving Fund to the Supreme Court Administrative Revolving Fund or the Interagency Reimbursement Fund as necessary to perform the duties imposed upon the Supreme Court, Court of Civil Appeals and district courts by law.

SECTION 6. AMENDATORY 20 O.S. 2011, Section 1507, is amended to read as follows:

Section 1507. All fees authorized to be charged shall be paid to the Clerk of the Supreme Court who shall deposit them in the ~~State Judicial~~ Supreme Court Revolving Fund. The Chief Justice

shall be authorized to draw against the Supreme Court Revolving Fund such amounts as are lawfully claimed by the Board for its necessary supplies and expenses. When performing essential duties each Board member shall be entitled to his or her actual expenses and shall receive, in addition thereto, the sum of Fifty Dollars (\$50.00) for each full day of service or a fraction thereof for less than a day's service.

SECTION 7. AMENDATORY 28 O.S. 2011, Section 152, as last amended by Section 1 of Enrolled House Bill No. 1091 of the 1st Session of the 57th Oklahoma Legislature (28 O.S. Supp. 2018, 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
2. Any ancillary proceeding to modify or vacate a divorce decree providing for custody or support.....\$43.00
3. Probate and guardianship.....\$135.00
4. Annual guardianship report.....\$33.00
5. Any proceeding for sale or lease of real or personal property or mineral interest in probate or guardianship..\$43.00
6. Any proceeding to revoke the probate of a will...\$43.00
7. Judicial determination of death.....\$58.00
8. Adoption.....\$105.00
9. Civil actions for an amount of Ten Thousand Dollars (\$10,000.00) or less and condemnation.....\$150.00

- 10. Civil actions for an amount of Ten Thousand One Dollars (\$10,001.00) or more\$163.00
- 11. Garnishment.....\$23.00
- 12. Continuing wage garnishment.....\$63.00
- 13. Any other proceeding after judgment.....\$33.00
- 14. All others, including but not limited to actions for forcible entry and detainer, judgments from all other courts, including the Workers' Compensation Court.....\$85.00
- 15. Notice of renewal of judgment.....\$23.00

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

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

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

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

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

2. Forty-five cents (\$0.45) of such amount shall be credited to the ~~State Judicial~~ Supreme Court Revolving Fund to be used to reimburse district courts for expenses related to services of

interpreters and translators. Vouchers for such expenses shall be submitted by the district court and approved by the Chief Justice of the Supreme Court or another justice designated by the Chief Justice.

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

G. Until November 1, 2023, in addition to the amounts collected pursuant to subsection A of this section, the sum of Ten Dollars (\$10.00) shall be assessed and credited to the Court Clerk's Records Management and Preservation Fund created in ~~Section 2 of this act~~ Section 31.3 of this title.

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

I. Payments to the court clerk for fees and costs assessed pursuant to this section may be made by a nationally recognized

credit or debit card or other electronic payment method as provided in paragraph 1 of subsection B of Section 151 of this title.

SECTION 8. This act shall become effective July 1, 2019.

SECTION 9. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 6th day of May, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____