

1 **SENATE FLOOR VERSION**

2 February 18, 2015

3 **AS AMENDED**

4 SENATE BILL NO. 459

5 By: Floyd and Sharp

6 **[fees for civil cases - flat fee schedule -**
7 **assessment - effective date]**

8
9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. AMENDATORY 28 O.S. 2011, Section 152, is
11 amended to read as follows:

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

- 17 1. Actions for divorce, alimony without
- 18 divorce, separate maintenance, custody or
- 19 support.....\$143.00
- 20 2. Any ancillary proceeding to modify or
- 21 vacate a divorce decree providing for
- 22 custody or support.....\$43.00
- 23 3. Probate and guardianship.....\$135.00
- 24 4. Annual guardianship report.....\$33.00

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

21 B. In addition to the amounts collected pursuant to paragraphs
 22 1, 3, 7, 8, 9, 10 and 14 of subsection A of this section, the sum of
 23 Six Dollars (\$6.00) shall be assessed and credited to the Law
 24 Library Fund.

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

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

10 E. In addition to the amounts collected pursuant to subsection
11 A of this section, the sum of ~~Two Dollars (\$2.00)~~ One Dollar and
12 thirty-five cents (\$1.35) shall be assessed and credited to the
13 Council on Judicial Complaints Revolving Fund.

14 F. In addition to the amounts collected pursuant to subsection
15 A of this section, the sum of sixty-five cents (\$0.65) shall be
16 assessed and credited to the State Judicial Revolving Fund to be
17 used for Access to Justice duties and responsibilities imposed on
18 the district courts under the superintending control of the Supreme
19 Court.

20 G. In any case in which a litigant claims to have a just cause
21 of action and that, by reason of poverty, the litigant is unable to
22 pay the fees and costs provided for in this section and is
23 financially unable to employ counsel, upon the filing of an
24 affidavit in forma pauperis executed before any officer authorized

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

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

19 SECTION 2. This act shall become effective November 1, 2015.

20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
21 February 18, 2015 - DO PASS AS AMENDED
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