

1 ENGROSSED HOUSE
2 BILL NO. 3957

By: Walke of the House

and

Floyd of the Senate

3
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6
7 [fees - changing funding process for courtroom

8 interpreter services - effective date -

9 emergency]

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

13 SECTION 1. AMENDATORY 28 O.S. 2021, Section 152, is
14 amended to read as follows:

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

20 1. Actions for divorce, alimony without divorce, separate
21 maintenance, custody or support.....\$183.00

22 2. Any ancillary proceeding to modify or vacate a divorce
23 decree providing for custody or support.....\$43.00

24 3. Probate and guardianship.....\$135.00

1 4. Annual guardianship report.....\$33.00
 2 5. Any proceeding for sale or lease of real or personal
 3 property or mineral interest in probate or guardianship.....\$43.00
 4 6. Any proceeding to revoke the probate of a will.....\$43.00
 5 7. Judicial determination of death.....\$58.00
 6 8. Adoption.....\$105.00
 7 9. Civil actions for an amount of Ten Thousand Dollars
 8 (\$10,000.00) or less and condemnation.....\$150.00
 9 10. Civil actions for an amount of Ten Thousand One
 10 Dollars (\$10,001.00) or more\$163.00
 11 11. Garnishment.....\$23.00
 12 12. Continuing wage garnishment.....\$63.00
 13 13. Any other proceeding after judgment.....\$33.00
 14 14. All others, including but not limited to actions for
 15 forcible entry and detainer, judgments from all other courts,
 16 including the Workers' Compensation Court.....\$85.00
 17 15. Notice of renewal of judgment.....\$23.00
 18 B. In addition to the amounts collected pursuant to paragraphs
 19 1, 3, 7, 8, 9, 10 and 14 of subsection A of this section, the sum of
 20 Six Dollars (\$6.00) shall be assessed and credited to the Law
 21 Library Fund.
 22 C. 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 D. In addition to the amounts collected pursuant to subsection
4 A of this section, the sum of Five Dollars (\$5.00) shall be assessed
5 and credited to the Oklahoma court-appointed special advocates
6 (OCASA).

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

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

13 2. Forty-five cents (\$0.45) of such amount shall be credited to
14 the Supreme Court Revolving Fund ~~to be used to reimburse district~~
15 ~~courts for expenses related to services of interpreters and~~
16 ~~translators. Vouchers for such expenses shall be submitted by the~~
17 ~~district court and~~ and may be budgeted and expended by the Supreme
18 Court for expenses lawfully incurred for providing qualified
19 courtroom interpreter services in the district courts, for
20 credentialing and training Oklahoma courtroom interpreters, and for
21 any other expenditures determined by the Supreme Court to be
22 necessary to provide language access in the district courts as
23 required by state and federal law. Payments of expenses may be made
24

1 after the claim or expense is approved by the Chief Justice of the
2 Supreme Court or another justice designated by the Chief Justice.

3 F. In addition to the amounts collected pursuant to paragraphs
4 1, 3, 8, 9, 10 and 14 of subsection A of this section, each county
5 may assess, upon approval by the board of county commissioners, a
6 sum not to exceed Ten Dollars (\$10.00) per case to be credited to
7 the Sheriff's Service Fee Account in the county in which the action
8 arose for the purpose of enhancing existing or providing additional
9 courthouse security.

10 G. Until November 1, 2027, in addition to the amounts collected
11 pursuant to subsection A of this section, the sum of Ten Dollars
12 (\$10.00) shall be assessed and credited to the Court Clerk's Records
13 Management and Preservation Fund created in Section 31.3 of this
14 title.

15 H. 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 I. 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 2. AMENDATORY 28 O.S. 2021, 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. For each defendant convicted of
exceeding the speed limit by at least
one (1) mile per hour but not more than
ten (10) miles per hour, whether charged
individually or conjointly with others\$77.00
2. For each defendant convicted of a
misdemeanor traffic violation other than
an offense provided for in paragraph 1
or 5 of this subsection, whether charged
individually or conjointly with others\$98.00
3. For each defendant convicted of a
misdemeanor, other than for driving
under the influence of alcohol or other
intoxicating substance or an offense
provided for in paragraph 1 or 2 of this
subsection, whether charged individually
or conjointly with others\$93.00
4. For each defendant convicted of a
felony, other than for driving under the
influence of alcohol or other
intoxicating substance, whether charged
individually or conjointly with others\$103.00
5. For each defendant convicted of the
misdemeanor of driving under the influence

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

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

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

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

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

a. within the county..... \$50.00, or
mileage as
established by the
Oklahoma Statutes,
whichever is
greater, or

b. outside of the county..... \$50.00, or

1 actual, necessary
2 expenses, whichever
3 is greater

4 ~~10. For the services of a language interpreter, other than an~~
5 ~~interpreter appointed pursuant to the provisions of the Oklahoma~~
6 ~~Interpreter for the Deaf Act, at each hearing held in the case, the~~
7 ~~actual cost of the interpreter.~~

8 B. In addition to the amount collected pursuant to paragraphs 2
9 through 6 of subsection A of this section, the sum of Six Dollars
10 (\$6.00) shall be assessed and credited to the Law Library Fund
11 pursuant to Section 1201 et seq. of Title 20 of the Oklahoma
12 Statutes.

13 C. In addition to the amount collected pursuant to subsection A
14 of this section, the sum of Twenty Dollars (\$20.00) shall be
15 assessed and collected in every traffic case for each offense other
16 than for driving under the influence of alcohol or other
17 intoxicating substance; the sum of Thirty Dollars (\$30.00) shall be
18 assessed and collected in every misdemeanor case for each offense;
19 the sum of Thirty Dollars (\$30.00) shall be assessed and collected
20 in every misdemeanor case for each offense for driving under the
21 influence of alcohol or other intoxicating substance; the sum of
22 Fifty Dollars (\$50.00) shall be assessed and collected in every
23 felony case for each offense; and the sum of Fifty Dollars (\$50.00)
24 shall be assessed and collected in every felony case for each

1 offense for driving under the influence of alcohol or other
2 intoxicating substance.

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

8 E. In addition to the amount collected pursuant to paragraphs 1
9 through 6 of subsection A of this section, the sum of Ten Dollars
10 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee
11 Account in the county in which the conviction occurred for the
12 purpose of enhancing existing or providing additional courthouse
13 security.

14 F. In addition to the amounts collected pursuant to paragraphs
15 1 through 6 of subsection A of this section, the sum of Three
16 Dollars (\$3.00) shall be assessed and credited to the Office of the
17 Attorney General Victim Services Unit.

18 G. 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 Child Abuse
21 Multidisciplinary Account. This fee shall not be used for purposes
22 of hiring or employing any law enforcement officers.

23 H. In addition to the amount collected pursuant to paragraphs 5
24 and 6 of subsection A of this section, the sum of Fifteen Dollars

1 (\$15.00) shall be assessed in every misdemeanor or felony case for
2 each offense of driving under the influence of alcohol or other
3 intoxicating substance and credited to the Oklahoma Impaired Driver
4 Database Revolving Fund created pursuant to Section ~~8 of Enrolled~~
5 ~~House Bill No. 3146 of the 2nd Session of the 55th Oklahoma~~
6 ~~Legislature~~ 11-902d of Title 47 of the Oklahoma Statutes.

7 I. Prior to conviction, parties in criminal cases shall not be
8 required to pay, advance, or post security ~~for the services of a~~
9 ~~language interpreter or~~ for the issuance or service of process to
10 obtain compulsory attendance of witnesses.

11 J. The amounts to be assessed as court costs upon filing of a
12 case shall be those amounts above-stated in paragraph 3 or 4 of
13 subsection A and subsections B, C, D and E of this section.

14 K. The fees collected pursuant to this section shall be
15 deposited into the court fund, except the following:

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

1 deposited into the Sheriff's Service Fee Account, created pursuant
2 to the provisions of Section 514.1 of Title 19 of the Oklahoma
3 Statutes, of the sheriff in the county in which service is made or
4 attempted. Otherwise, the sheriff's service fee, when collected,
5 shall be deposited in its entirety into the Sheriff's Service Fee
6 Account of the sheriff in the county in which service is made or
7 attempted;

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

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

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

19 5. The following amounts of the fees provided for in paragraphs
20 2, 3, 5 and 6 of subsection A of this section, when collected, shall
21 be deposited in the Trauma Care Assistance Revolving Fund, created
22 pursuant to the provisions of Section 1-2530.9 of Title 63 of the
23 Oklahoma Statutes:

- 1 a. Ten Dollars (\$10.00) of the Ninety-eight-Dollar fee
2 provided for in paragraph 2 of subsection A of this
3 section,
4 b. Ten Dollars (\$10.00) of the Ninety-three-Dollar fee
5 provided for in paragraph 3 of subsection A of this
6 section,
7 c. One Hundred Dollars (\$100.00) of the Four-Hundred-
8 Thirty-three-Dollar fee provided for in paragraph 5 of
9 subsection A of this section, and
10 d. One Hundred Dollars (\$100.00) of the Four-Hundred-
11 Thirty-three-Dollar fee provided for in paragraph 6 of
12 subsection A of this section.

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

18 ~~M.~~ As used in this section, "convicted" means any final
19 adjudication of guilt, whether pursuant to a plea of guilty or nolo
20 contendere or otherwise, and any deferred judgment or suspended
21 sentence.

22 ~~N.~~ M. A court clerk may accept in payment for any fee, fine,
23 forfeiture payment, cost, penalty assessment or other charge or
24 collection to be assessed or collected by a court clerk pursuant to

1 this section a nationally recognized credit card or debit card or
2 other electronic payment method as provided in paragraph 1 of
3 subsection B of Section 151 of this title.

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

7 SECTION 3. This act shall become effective July 1, 2022.

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

12 Passed the House of Representatives the 22nd day of March, 2022.

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14 _____
15 Presiding Officer of the House
16 of Representatives

17 Passed the Senate the ____ day of _____, 2022.

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19 _____
20 Presiding Officer of the Senate
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