

1 STATE OF OKLAHOMA

2 1st Extraordinary Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1024

By: Wallace and Martinez of the
House

6 and

7 Thompson (Roger) and Hall
8 of the Senate

9
10 COMMITTEE SUBSTITUTE

11 An Act relating to fees; amending 28 O.S. 2021,
12 Section 86, which relates to jurors' fees; increasing
13 jurors' fees for attendance; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 28 O.S. 2021, Section 86, is
17 amended to read as follows:

18 Section 86. A. Jurors shall be paid the following fees out of
19 the local court fund:

20 1. For each day's attendance before any court of record, ~~Twenty~~
21 ~~Dollars (\$20.00)~~ Fifty Dollars (\$50.00); and

22 2. For mileage going to and returning from jury service each
23 day, pursuant to the provisions of the State Travel Reimbursement
24 Act.

1 B. The Court Fund Board of the district court may contract for
2 or provide reimbursement for parking for district court jurors to be
3 paid from the Court Fund. Parking so provided to jurors shall be in
4 lieu of any reimbursement to jurors for parking fees.

5 C. The provisions of this section shall not apply to any person
6 who is summoned for jury duty and who is excused from serving
7 pursuant to the provisions of subsection A of Section 28 of Title 38
8 of the Oklahoma Statutes, beginning on the day the person is excused
9 from service.

10 D. The Supreme Court shall promulgate rules to establish a
11 Lengthy Trial Fund that shall be used to provide full or partial
12 wage replacement or wage supplementation to jurors who serve as
13 petit jurors for more than ten (10) days.

14 1. The court rules shall provide for the selection and
15 appointment of an Administrator for the fund; procedures for the
16 administration of the fund, including payments of salaries of the
17 Administrator and other necessary personnel; procedures for the
18 accounting, auditing and investment of money in the Lengthy Trial
19 Fund; and a report by the Supreme Court on the administration of the
20 Lengthy Trial Fund included in its annual report on the judicial
21 branch, setting forth the money collected for and disbursed from the
22 fund.

23 2. The clerk of the court shall collect from each attorney who
24 files a civil case, unless otherwise exempted under the provisions

1 of this section, a fee of Ten Dollars (\$10.00) per case to be paid
2 into the Lengthy Trial Fund. A lawyer will be deemed to have filed
3 a case at the time the first pleading or other filing on which an
4 individual lawyer's name appears is submitted to the court for
5 filing and opens a new case. All such fees shall be forwarded to
6 the Administrator of the Lengthy Trial Fund for deposit.

7 3. The Administrator shall use the fees deposited in the
8 Lengthy Trial Fund to pay full or partial wage replacement or
9 supplementation to jurors whose employers pay less than full regular
10 wages when the period of jury service lasts more than ten (10) days.

11 4. The court may pay replacement or supplemental wages of up to
12 Two Hundred Dollars (\$200.00) per day per juror beginning on the
13 eleventh day of jury service. In addition, for any jurors who
14 qualify for payment by serving on a jury for more than ten (10)
15 days, the court may, upon finding that such service posed a
16 significant financial hardship to a juror, even in light of payments
17 made with respect to jury service after the tenth day, award
18 replacement or supplemental wages of up to Fifty Dollars (\$50.00)
19 per day from the fourth to the tenth day of jury service.

20 5. Any juror who is serving or has served on a jury that
21 qualifies for payment from the Lengthy Trial Fund, provided the
22 service commenced on or after January 1, 2005, may submit a request
23 for payment from the Lengthy Trial Fund on a form provided by the
24 Administrator. Payment shall be limited to the difference between

1 the state-paid jury fee and the actual amount of wages a juror
2 earns, up to the maximum level payable, minus any amount the juror
3 actually receives from the employer during the same time period.
4 The form shall disclose the juror's regular wages, the amount the
5 employer will pay during the term of jury service starting on the
6 eleventh day and thereafter, the amount of replacement or
7 supplemental wages requested, and any other information the
8 Administrator deems necessary for proper payment. The juror shall
9 be required to submit verification from the employer as to the wage
10 information provided to the Administrator, including but not limited
11 to the employee's most recent earnings statement or similar
12 document, prior to initiation of payment from the fund. If an
13 individual is self-employed or receives compensation other than
14 wages, the individual may provide a sworn affidavit attesting to his
15 or her approximate gross weekly income, together with such other
16 information as the Administrator may require, in order to verify
17 weekly income.

18 6. The following attorneys and causes of action are exempt from
19 payment of the Lengthy Trial Fund fee:

- 20 a. government attorneys entering appearances in the
21 course of their official duties,
- 22 b. pro se litigants,
- 23 c. cases in small claims court or the state equivalent
24 thereof, or

1 d. claims seeking Social Security disability
2 determinations, individual veterans' compensation or
3 disability determinations, recoupment actions for
4 government backed educational loans or mortgages,
5 child custody and support cases, actions brought in
6 forma pauperis, and any other filings designated by
7 rule that involve minimal use of court resources and
8 that customarily are not afforded the opportunity for
9 a trial by jury.

10 7. Until June 30, 2021, the Office of Management and Enterprise
11 Services shall, at the request of the Administrative Director of the
12 Courts, transfer any monies from the Lengthy Trial Fund to the
13 Supreme Court Administrative Revolving Fund or the Interagency
14 Reimbursement Fund as necessary to perform the duties imposed upon
15 the Supreme Court, Court of Civil Appeals and district courts by
16 law.

17 SECTION 2. This act shall become effective November 1, 2023.
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19 59-1EX-50114 MKS 05/23/23
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