

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 1236

By: McCall of the House

and

McCortney of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to the Oklahoma Citizens  
11 Participation Act; amending 12 O.S. 2021, Section  
12 1438, which relates to costs and fees; authorizing  
13 award of certain expenses; authorizing imposition of  
14 sanctions under certain circumstances; establishing  
15 limit on certain sanctions; and providing an  
16 effective date.

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

18 SECTION 1. AMENDATORY 12 O.S. 2021, Section 1438, is  
19 amended to read as follows:

20 Section 1438. A. If the court orders dismissal of a legal  
21 action under the Oklahoma Citizens Participation Act, the court  
22 ~~shall~~ may award to the moving party:

23 1. Court costs, reasonable attorney fees and other expenses  
24 incurred in defending against the legal action as justice and equity  
may require; and

1           2. Sanctions against the party who brought the legal action as  
2 the court determines sufficient to deter the party who brought the  
3 legal action from bringing similar actions described in the Oklahoma  
4 Citizens Participation Act; provided, however, such sanctions shall  
5 not exceed the total amount awarded under paragraph 1 of this  
6 subsection.

7           B. If the court finds that a motion to dismiss filed under the  
8 Oklahoma Citizens Participation Act is frivolous or solely intended  
9 to delay, the court may award court costs and reasonable attorney  
10 fees to the responding party.

11           SECTION 2. This act shall become effective November 1, 2023.

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