

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1236

By: McCall

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to civil procedure; amending 12 O.S.  
10                   2021, Section 1438, which relates to costs and fees;  
11                   providing that a court in certain circumstances shall  
12                   award expenses which are directly incurred in  
13                   defending against a legal action; and providing an  
14                   effective date.

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

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

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

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

24                   2. Sanctions against the party who brought the legal action as  
the court determines sufficient to deter the party who brought the

1 legal action from bringing similar actions described in the Oklahoma  
2 Citizens Participation Act.

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

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

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9 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/02/2023 - DO PASS,  
10 As Amended.

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