

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB462 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Chris Kannady _____

Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED
4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 462

By: Daniels of the Senate

and

West (Josh) of the House

7
8
9
10 PROPOSED COMMITTEE SUBSTITUTE

11 An Act relating to municipal courts; amending 11 O.S.
12 2021, Section 27-104, which relates to judges of
13 municipal courts; removing certain population
14 exception; authorizing municipality to determine
15 manner of certain payment; prohibiting certain
16 appointment after specified date; requiring municipal
17 judges to complete certain certification program by
18 specified date; establishing deadline for appointees
19 to complete certain certification program;
20 establishing maximum allowable fine to be imposed by
21 certain municipal courts; requiring filing of certain
22 certifications; making language gender neutral;
23 updating statutory language; and providing an
24 effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2021, Section 27-104, is
amended to read as follows:

1 Section 27-104. A. The number of judges for each municipal
2 court shall be determined by the governing body of the municipality
3 where the court is established. The judge of each municipal court
4 shall be appointed by the mayor of the municipality where the court
5 is established, with the consent of the municipal governing body.
6 The judge of any municipal court shall be licensed to practice law
7 in ~~Oklahoma~~ this state, except as provided for in ~~subsections~~
8 subsection B and C of this section. ~~He~~ The judge shall serve for a
9 term of two (2) years, said term expiring on a date fixed by
10 ordinance, and until his or her successor is appointed and
11 qualified, unless removed by the vote of a majority of all members
12 of the governing body for such cause as is provided for by law for
13 the removal of public officers. Any appointment to fill a vacancy
14 shall be for the unexpired term. ~~Except in cities with a population~~
15 ~~of more than two hundred thousand (200,000), nothing~~ Nothing in the
16 provisions of this section shall be construed to prevent the judge
17 from engaging in the practice of law in any other court during ~~his~~
18 the tenure of office. The judge shall be paid a salary to be fixed
19 by the municipal governing body. ~~He shall be paid and~~ and in the same
20 manner as other municipal officials or employees as determined by
21 the municipality.

22 B. In any municipality with a population of less than seven
23 thousand five hundred (7,500), the mayor, with the consent of the
24 governing body of the municipality, may appoint as judge:

1 1. An attorney licensed to practice law in Oklahoma, ~~who~~
2 ~~resides in the county in which the municipality is located or in an~~
3 ~~adjacent county~~ this state; ~~or~~

4 2. ~~An attorney licensed to practice law in Oklahoma who~~
5 ~~maintains a permanent office in the municipality; or~~

6 ~~3. Any~~ Before July 1, 2025, a suitable person who resides in
7 the county in which the municipality is located or in an adjacent
8 county. Beginning July 1, 2025, no person may be newly appointed
9 pursuant to this paragraph as a municipal judge; or

10 3. A municipal judge previously appointed pursuant to paragraph
11 2 of this subsection prior to July 1, 2025, may continue to be
12 reappointed.

13 C. ~~In any municipality with a population of seven thousand five~~
14 ~~hundred (7,500) or more, if no attorney licensed to practice law in~~
15 ~~Oklahoma resides in the county or in an adjacent county in which the~~
16 ~~municipality is located, who is at the time of appointment willing~~
17 ~~to accept the appointment as judge, the mayor, with the consent of~~
18 ~~the governing body of the municipality, may appoint any suitable and~~
19 ~~proper person as judge.~~

20 ~~D.~~ If the judge of the municipal court is not a licensed
21 attorney and has not complied with the education requirements
22 pursuant to subsection ~~F~~ E of this section and the education
23 requirements pursuant to Section 18-101 of Title 47 of the Oklahoma
24 Statutes, the trial shall be to the court, and the court ~~may~~ shall

1 not impose a fine of more than Fifty Dollars (\$50.00), and ~~may~~ shall
2 not order the defendant imprisoned except for the nonpayment of
3 fines or costs or both.

4 ~~F.~~ D. If the judge of the municipal court is not a licensed
5 attorney but has complied with the education requirements of
6 subsection ~~F~~ E of this section and the education requirements
7 pursuant to Section 18-101 of Title 47 of the Oklahoma Statutes, the
8 maximum fine that may be imposed shall be Five Hundred Dollars
9 (\$500.00).

10 ~~F.~~ E. In order to impose the fine authorized by subsection ~~F~~ D
11 of this section, a nonlawyer judge must, within a period not to
12 exceed the preceding reporting period in this state for mandatory
13 continuing legal education, complete courses held for municipal
14 judges which have been approved by the Oklahoma Bar Association
15 Mandatory Legal Education Commission for at least six (6) hours of
16 continuing education credit. Verification may be made by a
17 statement of attendance signed by the course registration personnel.

18 F. 1. On July 1, 2025, any person currently appointed or
19 serving as a municipal judge shall have completed a certification
20 program as approved by the Oklahoma Municipal Judges Association.

21 2. Any person appointed as a municipal judge after July 1,
22 2025, shall have one (1) year from the date of appointment to
23 complete the certification program described in paragraph 1 of this
24 subsection.

1 G. If a municipal judge has not completed the certification
2 program required pursuant to subsection E of this section, the
3 maximum fine that may be imposed by the municipal court in all
4 traffic and criminal cases shall not exceed Fifty Dollars (\$50.00).

5 H. A copy of the Oklahoma Municipal Judge certification shall
6 be filed with the county clerk in the county in which the
7 municipality is located and with the municipal court clerk.

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

9

10 59-1-8076 AQH 03/31/23

11

12

13

14

15

16

17

18

19

20

21

22

23

24