

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 56th Legislature (2018)

4 HOUSE JOINT  
5 RESOLUTION 1051

By: Williams

6  
7                                   AS INTRODUCED

8                   An Act directing the Secretary of State to refer to  
9                   the people for their approval or rejection a proposed  
10                  amendment to Sections 1,3, 4 and 5 of Article VII of  
11                  the Oklahoma Constitution, Section 1 of Article VII-B  
12                  of the Oklahoma Constitution and Section 1 of Article  
13                  VIII of the Constitution of the State of Oklahoma;  
14                  abolishing the Court of Criminal Appeals and  
15                  transferring all duties, powers, cases, property and  
16                  personnel of the Court other than Judges to the  
17                  Supreme Court; providing ballot title; and directing  
18                  filing.

19 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
20 2ND SESSION OF THE 56TH OKLAHOMA LEGISLATURE:

21                  SECTION 1. The Secretary of State shall refer to the people for  
22                  their approval or rejection, as and in the manner provided by law,  
23                  the following proposed amendments to Sections 1, 3, 4 and 5 of  
24                  Article VII, Section 1 of Article VII-B and Section 1 of Article  
                  VIII of the Constitution of the State of Oklahoma to read as  
                  follows:

1 Section 1. The judicial power of this State shall be vested in  
2 the Senate, sitting as a Court of Impeachment, a Supreme Court, ~~the~~  
3 ~~Court of Criminal Appeals,~~ the Court on the Judiciary, the State  
4 Industrial Court, the Court of Bank Review, the Court of Tax Review,  
5 and such intermediate appellate courts as may be provided by  
6 statute, District Courts, and such Boards, Agencies and Commissions  
7 created by the Constitution or established by statute as exercise  
8 adjudicative authority or render decisions in individual  
9 proceedings. Provided that ~~the Court of Criminal Appeals,~~ the State  
10 Industrial Court, the Court of Bank Review and the Court of Tax  
11 Review and such Boards, Agencies and Commissions as have been  
12 established by statute shall continue in effect, subject to the  
13 power of the Legislature to change or abolish said Courts, Boards,  
14 Agencies, or Commissions. Municipal Courts in cities or  
15 incorporated towns shall continue in effect and shall be subject to  
16 creation, abolition or alteration by the Legislature by general  
17 laws, but shall be limited in jurisdiction to criminal and traffic  
18 proceedings arising out of infractions of the provisions of  
19 ordinances of cities and towns or of duly adopted regulations  
20 authorized by such ordinances.

21 Section 3. From each of the Supreme Court districts ~~and Court~~  
22 ~~of Criminal Appeals districts,~~ the voters thereof shall elect a  
23 Justice of the Supreme Court ~~and a Judge of the Court of Criminal~~  
24 ~~Appeals~~ at a non-partisan election, in a manner provided by statute.

1 In the event intermediate appellate courts are created, the judges  
2 thereof shall be elected at a non-partisan election, in a manner  
3 provided by statute. In the event of a vacancy the Governor shall,  
4 by appointment from said district, fill such vacancy until the next  
5 election for State Officers, and at such election the vacancy for  
6 the unexpired term shall be filled by a non-partisan election in a  
7 manner provided by statute.

8 Section 4. A. The appellate jurisdiction of the Supreme Court  
9 shall be co-extensive with the State and shall extend to all cases  
10 at law, both civil and criminal, and in equity; ~~except that the~~  
11 ~~Court of Criminal Appeals shall have exclusive appellate~~  
12 ~~jurisdiction in criminal cases until otherwise provided by statute~~  
13 ~~and in the event there is any conflict as to jurisdiction, the~~  
14 ~~Supreme Court shall determine which court has jurisdiction and such~~  
15 ~~determination shall be final.~~ The original jurisdiction of the  
16 Supreme Court shall extend to a general superintending control over  
17 all inferior courts and all Agencies, Commissions and Boards created  
18 by law. The Supreme Court, ~~Court of Criminal Appeals, in criminal~~  
19 ~~matters~~ and all other appellate courts shall have power to issue,  
20 hear and determine writs of habeas corpus, mandamus, quo warranto,  
21 certiorari, prohibition and such other remedial writs as may be  
22 provided by law and may exercise such other and further jurisdiction  
23 as may be conferred by statute. Each of the Justices ~~or Judges~~  
24 shall have power to issue writs of habeas corpus to any part of the

1 State upon petition by or on behalf of any person held in actual  
2 custody and make such writs returnable before himself or herself, or  
3 before the Supreme Court, other Appellate Courts, or before any  
4 District Court, or judge thereof in the State. The appellate and  
5 the original jurisdiction of the Supreme Court and all other  
6 appellate courts shall be invoked in the manner provided by law.

7 B. The Court of Criminal Appeals shall be abolished within one  
8 year of the passage of this amendment. All duties, powers, cases,  
9 records, property and personnel of the Court other than Judges shall  
10 be transferred to the Supreme Court. The Legislature shall enact  
11 any necessary legislation to implement the provisions of this  
12 subsection.

13 Section 5. The sessions of the Supreme Court shall be held at  
14 the seat of government, and the sessions and duration thereof shall  
15 be fixed by rule of said Court. A majority of the members of the  
16 Supreme Court shall constitute a quorum and the concurrence of the  
17 majority of said Court shall be necessary to decide any question.  
18 The jurisdiction, powers, duties and procedures of intermediate  
19 appellate courts shall be as provided by rules of the Supreme Court  
20 until otherwise provided by statute. In the event of the creation  
21 of intermediate appellate courts, all appeals shall be made to the  
22 Supreme Court, which may, by rule, determine the method of  
23 assignment to, and recall from, the intermediate appellate courts  
24 until otherwise provided by statute. When the intermediate

1 appellate courts acquire jurisdiction in any cause and make final  
2 disposition of same, such disposition shall be final and there shall  
3 be no further right of appeal except for issuance of a writ of  
4 certiorari ordered by a majority of the Supreme Court which may  
5 affirm, modify or make such other changes in said decision as it  
6 deems proper. The Supreme Court and intermediate appellate court  
7 decisions shall be in such form as the Supreme Court shall specify  
8 by rule ~~and the Court of Criminal Appeals decisions shall be in such~~  
9 ~~form as it shall specify by rule,~~ until otherwise provided by  
10 statute. The Supreme Court shall appoint a Clerk of the Supreme  
11 Court, who shall serve at the pleasure of the Supreme Court and who  
12 shall perform the duties prescribed by law and rules of the Supreme  
13 Court. The Clerk of the Supreme Court in office on the effective  
14 date of this Article shall continue in office for the duration of  
15 his or her elective term.

16 SECTION VII-B

17 Section 1. (a) The provisions of this Article shall govern the  
18 selection and tenure of all Justices of the Supreme Court ~~and Judges~~  
19 ~~of the Court of Criminal Appeals~~ of the State of Oklahoma, to which  
20 the provisions hereof may be extended as hereinafter provided, other  
21 provisions of the Constitution or statutes of the State of Oklahoma  
22 to the contrary notwithstanding, and the provisions of Article VII  
23 as proposed by House Joint Resolution No. 508 of the First Session  
24

1 of the Thirty-first Oklahoma Legislature to the contrary  
2 notwithstanding.

3 (b) As used in this Section, "Judicial Office" means the  
4 offices of Justice of the Supreme Court ~~and Judges of the Court of~~  
5 ~~Criminal Appeals~~ and "Judicial Officer" means a Justice ~~or Judge of~~  
6 ~~each such court~~ of the Supreme Court, excluding retired or  
7 supernumerary Justices ~~or Judges~~.

8 SECTION VIII

9 Section 1. The Governor and other elective state officers,  
10 including the Justices of the Supreme Court, shall be liable and  
11 subject to impeachment for wilful neglect of duty, corruption in  
12 office, habitual drunkenness, incompetency, or any offense involving  
13 moral turpitude committed while in office. All elected state  
14 officers, including Justices of the Supreme Court ~~and Judges of the~~  
15 ~~Court of Criminal Appeals~~, shall be automatically suspended from  
16 office upon their being declared guilty of a felony by a court of  
17 competent jurisdiction and their pay and allowances, otherwise  
18 payable to such official, shall be withheld during the period of  
19 such suspension. In the event such verdict of guilty is reversed by  
20 a court of competent jurisdiction on appeal, such accumulated pay  
21 and allowances which have been withheld shall be paid to such  
22 official and he or she shall be automatically reinstated in office  
23 to serve the remaining part of the term for which he or she was  
24 elected. Such official shall not be entitled to any pay or

1 allowances for a period of time after the term of office would  
2 otherwise have expired and he shall not be entitled to reinstatement  
3 in office after the expiration of the term for which he or she was  
4 elected. Whenever any Justice of the Supreme Court ~~or Judge of the~~  
5 ~~Court of Criminal Appeals~~ is suspended by reasons of this section,  
6 the Governor shall be authorized to appoint a temporary Justice ~~or~~  
7 ~~Judge~~ to serve during the period of such suspension and such  
8 temporary Justice ~~or Judge~~ shall be paid for his or her services the  
9 compensation allowed for such regular Justice ~~or Judge~~.

10 SECTION 2. The Ballot Title for the proposed Constitutional  
11 amendment as set forth in SECTION 1 of this resolution shall be in  
12 the following form:

13 BALLLOT TITLE  
14 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

15 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

16 This measure amends the Oklahoma Constitution. It abolishes the  
17 Court of Criminal Appeals. This is the court that has  
18 jurisdiction over appeals from district courts in criminal  
19 matters. This jurisdiction, along with current cases, records,  
20 employees, and property would be transferred to the Supreme  
21 Court.

22 SHALL THE PROPOSAL BE APPROVED?

23 FOR THE PROPOSAL - YES \_\_\_\_\_

24 AGAINST THE PROPOSAL - NO \_\_\_\_\_

1 SECTION 3. The Chief Clerk of the House of Representatives,  
2 immediately after the passage of this resolution, shall prepare and  
3 file one copy thereof, including the Ballot Title set forth in  
4 SECTION 2 hereof, with the Secretary of State and one copy with the  
5 Attorney General.

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7 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/01/2018 - DO PASS.

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