

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 186

By: Daniels

AS INTRODUCED

An Act relating to appellate judges; amending 20 O.S. 2021, Section 1402, as amended by Section 1, Chapter 201, O.S.L. 2022 (20 O.S. Supp. 2022, Section 1402), which relates to recusal or disqualification; requiring certain statement to be filed of record; and providing an effective date.

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

SECTION 1. AMENDATORY 20 O.S. 2021, Section 1402, as amended by Section 1, Chapter 201, O.S.L. 2022 (20 O.S. Supp. 2022, Section 1402), is amended to read as follows:

Section 1402. A. No Justice of the Supreme Court of this state or Judge of the Criminal Court of Appeals shall participate in the decision of any appellate cause in which the Justice or Judge presided at the trial of such cause.

B. When a Justice of the Supreme Court is recused or disqualified from deciding a cause for any reason, the remainder of the Court shall decide the cause. If, during the decision of any cause, there are less than seven (7) qualified Justices, the Clerk of the Court shall certify all such recusals or disqualifications to

1 the Governor who shall assign a retired Supreme Court Justice to the
2 matter in substitution of the recused or disqualified Justices. If
3 no retired Supreme Court Justice is able to serve, the Governor
4 shall assign a member of the Bar of this state who possesses the
5 same qualifications as the members of the Supreme Court to the
6 matter in substitution of the recused or disqualified Justice.

7 C. When a Judge of the Court of Criminal Appeals is recused or
8 disqualified from deciding a cause for any reason, the Clerk of the
9 Court shall certify the recusal or disqualification along with the
10 case number to the Governor who shall assign a retired Judge of the
11 Court of Criminal Appeals to the matter in substitution of the
12 recused or disqualified Judge. If no retired Judge of the Court of
13 Criminal Appeals is able to serve, the Governor shall assign a Judge
14 of the Court of Civil Appeals to the matter in substitution of the
15 recused or disqualified Judge. If no Judge of the Court of Civil
16 Appeals is able to serve, the Governor shall assign a member of the
17 Bar of this state who possesses the same qualifications as the
18 members of the Court of Criminal Appeals to the matter in
19 substitution of the recused or disqualified Judge.

20 D. When a Justice of the Supreme Court, Judge of the Court of
21 Criminal Appeals, or Judge of the Court of Civil Appeals is recused
22 or disqualified from deciding a cause for any reason, a brief
23 statement describing the reason for the recusal or disqualification
24 shall be filed of record in the matter.

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

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