

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1922

By: Jordan

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5  
6 AS INTRODUCED

7 An Act relating to civil procedure; amending 12 O.S.  
8 2011, Section 667, which relates to legislative  
9 continuances; updating gender-neutral language;  
10 providing exception for mandatory continuances;  
11 allowing court to hold ex parte hearing for emergency  
12 custody and protective orders; requiring review  
13 hearing for Friday when Legislature is not in  
14 session; directing review be scheduled as first item  
15 on court docket; and providing an effective date.

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

17 SECTION 1. AMENDATORY 12 O.S. 2011, Section 667, is  
18 amended to read as follows:

19 Section 667. A. The court may, for good cause shown, continue  
20 an action at any stage of the proceedings upon terms as may be just;  
21 provided, that if a party or ~~his~~ the attorney of record is serving  
22 as a member of the Oklahoma Legislature, or the Senate, when sitting  
23 as a court of impeachment, or within thirty (30) days after an  
24 adjournment of a session of the Oklahoma Legislature, such fact  
shall constitute cause for continuance of the case, and ~~it is~~  
~~mandatory that~~ the court shall grant such continuance upon motion

1 whether such attorney may have been employed before or during the  
2 session of the Oklahoma Legislature, and the court shall have no  
3 power to exercise its discretion ~~as to the~~ in granting ~~of such~~  
4 ~~continuance~~ any continuances, and all motions, demurrers and  
5 preliminary matters to be heard by the court, ~~the~~ except as provided  
6 in subsection B of this section. A refusal to grant ~~which~~ any of  
7 these shall constitute error, and entitle such party to a new trial  
8 as a matter of right. When a continuance is granted on account of  
9 the absence of evidence, it shall be at the cost of the party making  
10 the application unless the court otherwise order. And when any  
11 litigant has given notice of appeal from any judgment of any court  
12 of record in this state to the Supreme Court or ~~Criminal~~ Court of  
13 Criminal Appeals and the time for doing any act to perfect such  
14 appeal has~~7~~ or does hereafter lapse during the session of the  
15 Oklahoma Legislature, whether regular or special, and the said  
16 litigant is a member of the Senate or House of Representatives~~7~~ of  
17 the State of Oklahoma~~7~~ in such session, or ~~his~~ the attorney of  
18 record is such member, such litigant or attorney shall have such  
19 time after the adjournment of the session of the Oklahoma  
20 Legislature to perform such act and complete ~~his~~ the appeal as ~~he~~  
21 ~~had~~ at the commencement of the session of the Oklahoma Legislature,  
22 of which ~~he or his~~ the litigant or the attorney of record was a  
23 member, and all acts done in the perfection of such appeals shall be  
24 as valid as if done within the time provided.

1        B. In the case of an emergency custody or protective order  
2 hearing where the party or the attorney of record is a member of the  
3 Oklahoma Legislature, the court may hold an ex parte hearing if the  
4 court finds sufficient grounds for the hearing. A review hearing of  
5 the matter shall be held the following Friday when the Oklahoma  
6 Legislature is not in session and shall be scheduled as the first  
7 item on the court docket.

8            SECTION 2. This act shall become effective November 1, 2015.

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