

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

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

By: Daniels of the Senate

and

West (Josh), **Roe, Humphrey,**
McBride, and **West (Kevin)**
of the House

10 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; clarifying type of
16 appointment; requiring municipal judges follow
17 certain standards; prohibiting certain appointment
18 after specified date; requiring municipal judges to
19 complete certain certification program by specified
20 date; establishing deadline for appointees to
21 complete certain certification program; establishing
22 maximum allowable fine to be imposed by certain
23 municipal courts; requiring filing of certain
24 certifications; making language gender neutral;
 updating statutory language; and providing an
 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 B and
8 C of this section. ~~He~~ The judge shall serve for a term of two (2)
9 years, said term expiring on a date fixed by ordinance, and until
10 his or her successor is appointed and qualified, unless removed by
11 the vote of a majority of all members of the governing body for such
12 cause as is provided for by law for the removal of public officers.
13 Any appointment to fill a vacancy shall be for the unexpired term.
14 ~~Except in cities with a population of more than two hundred thousand~~
15 ~~(200,000), nothing~~ Nothing in the provisions of this section shall
16 be construed to prevent the judge from engaging in the practice of
17 law in any other court during ~~his~~ the tenure of office. The judge
18 shall be paid a salary to be fixed by the municipal governing body.
19 ~~He shall be paid~~ and in the same manner as other municipal officials
20 or employees as determined by the municipality. A municipal judge
21 in a court not of record is not an "officer" of the municipality
22 pursuant to paragraph 6 of Section 1-102 of Title 11 of the Oklahoma
23 Statutes and shall not be considered a state officer for the
24 purposes of Section 6 of Title 51 of the Oklahoma Statutes. All

1 municipal judges including nonlawyer judges are subject to the code
2 of judicial conduct and legal ethics; and

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

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

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

11 ~~3. Any~~ A suitable person who resides in the county in which the
12 municipality is located or in an adjacent county; or

13 3. Beginning July 1, 2026, no person may be newly appointed
14 pursuant to paragraph 2 of this subsection as a municipal judge. A
15 municipal judge appointed pursuant to paragraph 2 of this subsection
16 prior to July 1, 2026, who has completed the requirements in
17 subsections D and F of this section, may continue to be reappointed.

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

1 ~~D.~~ If the judge of the municipal court is not a licensed
2 attorney and has not complied with the education requirements
3 pursuant to subsection ~~F~~ E of this section and the education
4 requirements pursuant to Section 18-101 of Title 47 of the Oklahoma
5 Statutes, the trial shall be to the court, and the court ~~may~~ shall
6 not impose a fine of more than Fifty Dollars (\$50.00), and ~~may~~ shall
7 not order the defendant imprisoned except for the nonpayment of
8 fines or costs or both.

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

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

22 F. 1. Beginning July 1, 2026, any person currently appointed
23 or serving as a municipal judge shall have completed a certification
24 program as approved by the Oklahoma Municipal Judges Association.

1 The certification program shall have a minimum of twelve (12) hours
2 of continuing legal education approved by the Oklahoma Bar
3 Association Mandatory Continuing Legal Education Commission to
4 include laws specific to municipal courts, trial evidentiary
5 matters, criminal cases eligible for municipal courts, and indigency
6 hearings.

7 2. Any person appointed as a municipal judge after July 1,
8 2026, shall have one (1) year from the date of appointment to
9 complete the certification program described in paragraph 1 of this
10 subsection.

11 G. If a municipal judge has not completed the training required
12 pursuant to subsection F of this section, the maximum fine that may
13 be imposed by the municipal court in all traffic and criminal cases
14 shall not exceed Fifty Dollars (\$50.00).

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

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

19
20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
21 04/11/2023 - DO PASS, As Amended and Coauthored.

22
23
24