

1 **SENATE FLOOR VERSION**

2 February 21, 2023

3 SENATE BILL NO. 462

By: Daniels

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6 An Act relating to municipal courts; amending 11 O.S.
7 2021, Section 27-104, which relates to judges of
8 municipal courts; removing certain population
9 exception; authorizing municipality to determine
10 manner of certain payment; prohibiting certain
11 appointment after specified date; requiring municipal
12 judges to complete certain certification program by
13 specified date; establishing deadline for appointees
14 to complete certain certification program;
15 establishing maximum allowable fine to be imposed by
16 certain municipal courts; requiring filing of certain
17 certifications; making language gender neutral;
18 updating statutory language; and providing an
19 effective date.

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

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

23 Section 27-104. A. The number of judges for each municipal
24 court shall be determined by the governing body of the municipality
where the court is established. The judge of each municipal court
shall be appointed by the mayor of the municipality where the court
is established, with the consent of the municipal governing body.
The judge of any municipal court shall be licensed to practice law
in ~~Oklahoma~~ this state, except as provided for in subsections B and

1 C of this section. ~~He~~ The judge shall serve for a term of two (2)
2 years, said term expiring on a date fixed by ordinance, and until
3 his or her successor is appointed and qualified, unless removed by
4 the vote of a majority of all members of the governing body for such
5 cause as is provided for by law for the removal of public officers.
6 Any appointment to fill a vacancy shall be for the unexpired term.
7 ~~Except in cities with a population of more than two hundred thousand~~
8 ~~(200,000), nothing~~ Nothing in the provisions of this section shall
9 be construed to prevent the judge from engaging in the practice of
10 law in any other court during ~~his~~ the tenure of office. The judge
11 shall be paid a salary to be fixed by the municipal governing body.
12 ~~He shall be paid and~~ and in the same manner as other municipal officials
13 or employees as determined by the municipality.

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

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

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

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

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1 3. Beginning July 1, 2025, no person may be newly appointed
2 pursuant to paragraph 2 of this subsection as a municipal judge. A
3 municipal judge appointed pursuant to paragraph 2 of this subsection
4 prior to July 1, 2025, who has completed the requirements in
5 subsections D and F of this section, may continue to be reappointed.

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

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

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

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

11 F. 1. Beginning July 1, 2025, any person currently appointed
12 or serving as a municipal judge shall have completed a certification
13 program as approved by the Oklahoma Municipal Judges Association.
14 The certification program shall have a minimum of twelve (12) hours
15 of continuing legal education approved by the Oklahoma Bar
16 Association Mandatory Continuing Legal Education Commission to
17 include laws specific to municipal courts, trial evidentiary
18 matters, criminal cases eligible for municipal courts, and indigency
19 hearings.

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
February 21, 2023 - DO PASS