

An Act

ENROLLED SENATE
BILL NO. 462

By: Daniels, Boren, Paxton, and
Weaver of the Senate

and

West (Josh), Roe, Humphrey,
McBride, West (Kevin),
Tedford, Sims, Archer, West
(Tammy), Miller, Banning,
Baker, and Stark of the
House

An Act relating to municipal courts; amending 11 O.S. 2021, Section 27-104, which relates to judges of municipal courts; removing certain population exception; authorizing municipality to determine manner of certain payment; clarifying type of appointment; requiring municipal judges follow certain standards; prohibiting certain appointment after specified date; requiring municipal judges to complete certain certification program by specified date; establishing deadline for appointees to complete certain certification program; establishing maximum allowable fine to be imposed by certain municipal courts; requiring filing of certain certifications; making language gender-neutral; updating statutory language; and providing an effective date.

SUBJECT: Municipal court judges

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:

Section 27-104. A. The number of judges for each municipal 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 C of this section. ~~He~~ The judge shall serve for a term of two (2) years, said term expiring on a date fixed by ordinance, and until his or her successor is appointed and qualified, unless removed by the vote of a majority of all members of the governing body for such cause as is provided for by law for the removal of public officers. Any appointment to fill a vacancy shall be for the unexpired term. ~~Except in cities with a population of more than two hundred thousand (200,000), nothing~~ Nothing in the provisions of this section shall be construed to prevent the judge from engaging in the practice of law in any other court during ~~his~~ the tenure of office. The judge shall be paid a salary to be fixed by the municipal governing body. ~~He shall be paid~~ and in the same manner as other municipal officials or employees as determined by the municipality. A municipal judge in a court not of record is not an "officer" of the municipality pursuant to paragraph 6 of Section 1-102 of this title and shall not be considered a state officer for the purposes of Section 6 of Title 51 of the Oklahoma Statutes. All municipal judges, including nonlawyer judges, are subject to the code of judicial conduct and legal ethics.

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

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

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

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

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

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

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

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

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

F. 1. Beginning July 1, 2026, any person currently appointed or serving as a municipal judge shall have completed a certification program as approved by the Oklahoma Municipal Judges Association. The certification program shall have a minimum of twelve (12) hours

of continuing legal education approved by the Oklahoma Bar Association Mandatory Continuing Legal Education Commission to include laws specific to municipal courts, trial evidentiary matters, criminal cases eligible for municipal courts, and indigency hearings.

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

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.

Passed the Senate the 16th day of May, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of April, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____