

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 515

By: Daniels

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5
6 AS INTRODUCED

7 An Act relating to the Judiciary; amending 20 O.S.
8 2011, Section 1402, which relates to disqualification
9 of appellate judges; modifying procedures for
10 assignment of Justices or Judges in substitution of
recused or disqualified Justices or Judges; and
11 declaring an emergency.

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

13 SECTION 1. AMENDATORY 20 O.S. 2011, Section 1402, is
14 amended to read as follows:

15 Section 1402. A. No Justice of the Supreme Court of this State
16 or Judge of the Criminal Court of Appeals shall participate in the
17 decision of any appellate cause ~~in such Court appealed thereto from~~
18 ~~a lower court of said state,~~ in which ~~court~~ the Justice or
19 Judge ~~was judge presiding~~ presided at the trial of such cause; ~~and~~
20 ~~the same qualifications shall apply to the members of the Supreme~~
21 ~~Court and the Criminal Court of Appeals, as to other courts of~~
22 ~~record; and, whenever any member of either of said Courts is.~~

23 B. When a Justice of the Supreme Court is recused or
24 ~~disqualified, the same shall be entered of record in such Court and~~

1 ~~such disqualifications of such member shall forthwith be certified~~
2 ~~by~~ from deciding a cause for any reason, the Clerk of ~~such~~ the Court
3 shall certify the recusal or disqualification to the Governor of the
4 ~~state,~~ who shall ~~appoint some member of the Bar of the state,~~
5 ~~possessing the same qualifications as the members of such Court, to~~
6 ~~sit as special Judge in said cause~~ assign a Judge of the Court of
7 Civil Appeals to the matter in substitution of the recused or
8 disqualified Justice. If no Judge of the Court of Civil Appeals is
9 able to serve, the Governor shall assign a retired Supreme Court
10 Justice to the matter in substitution of the recused or disqualified
11 Justice. If no retired Supreme Court Justice is able to serve, the
12 Governor shall assign a member of the Bar of this state who
13 possesses the same qualifications as the members of the Supreme
14 Court to the matter in substitution of the recused or disqualified
15 Justice.

16 C. When a Judge of the Court of Criminal Appeals is recused or
17 disqualified from deciding a cause for any reason, the Clerk of the
18 Court shall certify the recusal or disqualification along with the
19 case number to the Governor who shall assign a retired Judge of the
20 Court of Criminal Appeals to the matter in substitution of the
21 recused or disqualified Judge. If no retired Judge of the Court of
22 Criminal Appeals is able to serve, the Governor shall assign a Judge
23 of the Court of Civil Appeals to the matter in substitution of the
24 recused or disqualified Judge. If no Judge of the Court of Civil

1 Appeals is able to serve, the Governor shall assign a member of the
2 Bar of this state who possesses the same qualifications as the
3 members of the Court of Criminal Appeals to the matter in
4 substitution of the recused or disqualified Judge.

5 SECTION 2. It being immediately necessary for the preservation
6 of the public peace, health or safety, an emergency is hereby
7 declared to exist, by reason whereof this resolution shall take
8 effect and be in full force from and after its passage and approval.

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