

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 462

By: Daniels of the Senate

and

West (Josh) of the House

8 COMMITTEE SUBSTITUTE

9
10 An Act relating to municipal courts; amending 11 O.S.
11 2021, Section 27-104, which relates to judges of
12 municipal courts; removing certain population
13 exception; authorizing municipality to determine
14 manner of certain payment; clarifying type of
15 appointment; requiring municipal judges follow
16 certain standards; prohibiting certain appointment
17 after specified date; requiring municipal judges to
18 complete certain certification program by specified
19 date; establishing deadline for appointees to
20 complete certain certification program; establishing
21 maximum allowable fine to be imposed by certain
22 municipal courts; requiring filing of certain
23 certifications; making language gender neutral;
24 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:

Section 27-104. A. The number of judges for each municipal
court shall be determined by the governing body of the municipality

1 where the court is established. The judge of each municipal court
2 shall be appointed by the mayor of the municipality where the court
3 is established, with the consent of the municipal governing body.
4 The judge of any municipal court shall be licensed to practice law
5 in ~~Oklahoma~~ this state, except as provided for in subsections B and
6 C of this section. ~~He~~ The judge shall serve for a term of two (2)
7 years, said term expiring on a date fixed by ordinance, and until
8 his or her successor is appointed and qualified, unless removed by
9 the vote of a majority of all members of the governing body for such
10 cause as is provided for by law for the removal of public officers.
11 Any appointment to fill a vacancy shall be for the unexpired term.
12 ~~Except in cities with a population of more than two hundred thousand~~
13 ~~(200,000), nothing~~ Nothing in the provisions of this section shall
14 be construed to prevent the judge from engaging in the practice of
15 law in any other court during ~~his~~ the tenure of office. The judge
16 shall be paid a salary to be fixed by the municipal governing body.
17 ~~He shall be paid~~ and in the same manner as other municipal officials
18 or employees as determined by the municipality. A municipal judge
19 in a court not of record is not an "officer" of the municipality
20 pursuant to paragraph 6 of Section 1-102 of Title 11 of the Oklahoma
21 Statutes and shall not be considered a state officer for the
22 purposes of Section 6 of Title 51 of the Oklahoma Statutes. All
23 municipal judges including nonlawyer judges are subject to the code
24 of judicial conduct and legal ethics; and

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

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

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

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

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

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

23 ~~D.~~ If the judge of the municipal court is not a licensed
24 attorney and has not complied with the education requirements

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

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

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

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

1 Association Mandatory Continuing Legal Education Commission to
2 include laws specific to municipal courts, trial evidentiary
3 matters, criminal cases eligible for municipal courts, and indigency
4 hearings.

5 2. Any person appointed as a municipal judge after July 1,
6 2026, shall have one (1) year from the date of appointment to
7 complete the certification program described in paragraph 1 of this
8 subsection.

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

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

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

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