

1 **SENATE FLOOR VERSION**

2 March 4, 2025

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 SENATE BILL NO. 1088

By: Prieto

6  
7 An Act relating to courts; amending 20 O.S. 2021,  
8 Sections 1651, 1656, 1658, and 1659, which relate to  
9 the Council on Judicial Complaints; modifying certain  
10 statement of public policy; removing quarterly  
11 reporting requirement; authorizing Council to employ  
12 attorney; modifying certain penalty; authorizing  
13 filing of certain petition; requiring notice to  
14 certain parties of certain complaints; requiring  
15 Council to forward certain information to Supreme  
16 Court; clarifying manner to conduct certain  
17 proceedings; updating statutory references; updating  
18 statutory language; providing for confidentiality of  
19 certain records; requiring maintenance of certain  
20 complaint docket; specifying information to be  
21 included on docket; requiring publication of certain  
22 docket; providing certain confidentiality exceptions;  
23 requiring annual report to certain officials by  
24 certain date; requiring publication of report on  
website; prohibiting inclusion of certain identifying  
information; providing exceptions; specifying  
contents of report; providing for codification; and  
providing an effective date.

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

SECTION 1. AMENDATORY 20 O.S. 2021, Section 1651, is  
amended to read as follows:

Section 1651. It is hereby declared to be the public policy of  
this state:

1 1. To afford a means for efficiently and impartially  
2 investigating complaints by any person concerning the conduct of  
3 persons occupying positions subject to the jurisdiction of the Court  
4 on the Judiciary;

5 2. To provide an agency which can determine whether such  
6 complaints should:

7 a. be made the subject of action before the Court on the  
8 Judiciary for the purpose of removal, ~~reprimand, or~~  
9 ~~admonition,~~ or compulsory retirement,

10 b. be made the subject of action before the Supreme Court  
11 for the purpose of imposing discipline other than  
12 removal or compulsory retirement,

13 c. be dismissed with a letter of caution or warning,

14 d. be forwarded to the Oklahoma State Bureau of  
15 Investigation to investigate allegations of wrongdoing  
16 under the laws of this state, or

17 e. be dismissed;

18 3. To provide means for procuring necessary information to  
19 enable the agency to perform its functions, including the power to  
20 issue and enforce subpoenas to testify or to produce tangible  
21 evidentiary materials; and

22 4. To better the administration of justice in this state  
23 through the means enumerated in Sections 1651 through ~~1662~~ 1663 of  
24 this title.

1 SECTION 2. AMENDATORY 20 O.S. 2021, Section 1656, is  
2 amended to read as follows:

3 Section 1656. A. The members of the Council on Judicial  
4 Complaints shall qualify by taking the constitutional oath of  
5 office.

6 B. The Council shall elect a chair and ~~vice-chair~~ vice chair.  
7 The chair and ~~vice-chair~~ vice chair shall serve for terms of office  
8 set by the Council, not to exceed their terms as members of the  
9 Council.

10 C. The Council shall adopt rules pursuant to the Administrative  
11 Procedures Act.

12 ~~D. The Council shall provide to the President Pro Tempore of~~  
13 ~~the Senate and the Speaker of the House of Representatives quarterly~~  
14 ~~reports of the number of judicial complaints filed, dismissed, and~~  
15 ~~referred for further disciplinary action.~~

16 SECTION 3. AMENDATORY 20 O.S. 2021, Section 1658, is  
17 amended to read as follows:

18 Section 1658. A. The Council on Judicial Complaints shall  
19 promptly investigate all complaints received by it, and shall  
20 determine the proper disposition thereof, as provided in Sections  
21 1651 through ~~1661~~ 1663 of this title.

22 B. The Council shall have power to hold hearings, administer  
23 oaths or affirmations, receive testimony and other evidence, and  
24 issue and serve or cause to be served subpoenas requiring testimony

1 or the production of books, records, papers or other tangible  
2 evidence.

3 C. 1. Subject to funding limitations provided by law, the  
4 Council, as needed, may retain, by contract, a court reporter and,  
5 as needed, may employ or retain an attorney by contract with either  
6 the Office of the Attorney General or other counsel.

7 2. No person acting as counsel to the Council on Judicial  
8 Complaints shall be eligible for election or appointment to the  
9 Judicial Nominating Commission during the term of his or her  
10 employment or contract for services.

11 D. The Council is hereby authorized to require in aid of its  
12 investigatory functions the services of the Oklahoma State Bureau of  
13 Investigation as provided for in Section 150.34 of Title 74 of the  
14 Oklahoma Statutes or of any governmentally supported investigatory  
15 agency or, upon authorization of the Board of Governors of the  
16 Oklahoma Bar Association, of the services of the Oklahoma Bar  
17 Association.

18 E. In the event of contemptuous refusal to obey its lawful  
19 orders, the Council may take steps necessary to maintain order in  
20 its session; as to contempts not affecting the maintenance of order,  
21 it shall certify the matter to the Chief Justice of the Supreme  
22 Court, which shall assign the case for trial and appropriate  
23 disposition to a judge of a district court. In a contempt  
24 proceeding in district court, the counsel for the Council on

1 Judicial Complaints shall act as prosecutor against the alleged  
2 contemnor.

3 F. 1. All proceedings under this section shall be held in  
4 secrecy to the same extent as proceedings before a grand jury.

5 2. A complainant or a witness appearing before the Council who  
6 reveals or causes to be revealed to the public any information about  
7 a proposed or pending judicial complaint shall be subject to a ~~fine~~  
8 ~~not to exceed One Thousand Dollars (\$1,000.00)~~ contempt proceedings  
9 before the district court upon certification of the matter to the  
10 Chief Justice of the Supreme Court. The Council on Judicial  
11 Complaints shall promulgate rules pursuant to the Administrative  
12 Procedures Act governing proceedings under this subsection.

13 3. ~~In addition to the fine provided for in paragraph 2 of this~~  
14 ~~subsection, any~~ Any judicial officer who reveals or causes to be  
15 revealed any information about a proposed or pending judicial  
16 complaint shall be subject to public reprimand by the Court on the  
17 Judiciary.

18 SECTION 4. AMENDATORY 20 O.S. 2021, Section 1659, is  
19 amended to read as follows:

20 Section 1659. A. In the event the Council on Judicial  
21 Complaints finds that the complaint should be made the subject of  
22 proceedings before the Court on the Judiciary, it shall ~~forward:~~

23 1. Forward all papers concerning the ~~same~~ complaint, together  
24 with its findings, to either the Supreme Court or the Chief Justice

1 thereof, the Governor, the Attorney General, the Executive Secretary  
2 of the Oklahoma Bar Association, or the House of Representatives,  
3 who ~~shall promptly~~ may file a petition invoking the jurisdiction of  
4 the trial division of the Court on the Judiciary in accordance with  
5 subsection (a) of Section 4 of Article ~~7-A~~ VII-A of the Oklahoma  
6 Constitution of Oklahoma; provided, however, filing by the Executive  
7 Secretary of the Oklahoma Bar Association shall be at the direction  
8 of the majority of the members of the Executive Council or by  
9 resolution of the House of Delegates of the Oklahoma Bar  
10 Association; and

11 2. Provide notice of its findings, conclusions, and  
12 recommendations that the complaint should be the subject of  
13 proceedings before the Court on the Judiciary to the Secretary of  
14 State and to those individuals or bodies with authority to invoke  
15 the jurisdiction of the Court on the Judiciary, as described in  
16 Section 4 of Article VII-A of the Oklahoma Constitution.

17 Thereafter, the matter shall proceed in accordance with the  
18 applicable constitutional provisions, statutes, and rules of the  
19 Court on the Judiciary.

20 B. In the event the Council on Judicial Complaints finds that  
21 the complaint should be made the subject of proceedings before the  
22 Supreme Court for discipline less than removal or compulsory  
23 retirement, the Council shall forward all papers concerning the  
24 complaint, together with its findings, to the Supreme Court for

1 review and possible discipline. The matter shall proceed in  
2 accordance with the Rules Governing Complaints on Judicial  
3 Misconduct, Appendix 4-A of Title 5 of the Oklahoma Statutes.

4 SECTION 5. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 1664 of Title 20, unless there  
6 is created a duplication in numbering, reads as follows:

7 A. All records of the Council on Judicial Complaints relating  
8 to judicial complaints and the investigation and disposition thereof  
9 shall be kept confidential and not open to public inspection;  
10 provided, however:

11 1. The Administrative Director to the Council on Judicial  
12 Complaints shall maintain a docket of all complaints filed for which  
13 a final disposition has been made by the Council on Judicial  
14 Complaints by majority vote. The docket shall be a permanent and  
15 searchable record and shall be made available on the Council's  
16 website within thirty (30) days of the final disposition of a  
17 complaint. The docket shall detail an identification number, the  
18 nature of litigation giving rise to the complaint, the primary  
19 subject of the complaint, and the legal basis for the final  
20 disposition of the complaint. Except as otherwise provided in this  
21 section, the docket shall not contain any identifying information  
22 relative to the complainant or respondent judge; and

23 2. In the event the Council's final disposition of a complaint  
24 results in submission of findings pursuant to Section 1659 of Title

1 20 of the Oklahoma Statutes with a recommendation that is not a  
2 private reprimand, the docket shall include the identity of the  
3 respondent judge, a brief summary of the alleged misconduct, and the  
4 Council's recommendation.

5 B. 1. Not later than February 28 of each year, the Council  
6 shall submit to the President Pro Tempore of the Senate, the Speaker  
7 of the House of Representatives, the Governor, the Lieutenant  
8 Governor, the Secretary of State, and the Chief Justice of the  
9 Supreme Court an electronic report for the preceding calendar year  
10 ending December 31. The report shall be posted on the Council's  
11 public website in a searchable format. Other than the information  
12 included in the report pursuant to divisions 5 and 6 of subparagraph  
13 b of paragraph 2 of this subsection, the report shall not include  
14 any identifying information relative to the complainant or the  
15 respondent judge.

16 2. The report shall include:

17 a. an explanation of the role of the Council, and

18 b. annual statistical information for the preceding  
19 calendar year including:

20 (1) the number of complaints received by the Council,  
21 the nature of the litigation giving rise to the  
22 complaints, and the primary subject of the  
23 complaints,  
24



- 1 (2) the number of complaints dismissed, the legal  
2 basis for the dismissal, and the number of  
3 complaints that remain pending,
- 4 (3) a list of complaints dismissed with a letter of  
5 caution or warning to the judge and brief summary  
6 of the alleged misconduct,
- 7 (4) a list of complaints referred to the Supreme  
8 Court pursuant to Section 1659 of Title 20 of the  
9 Oklahoma Statutes with a recommendation of a  
10 private reprimand and a brief summary of the  
11 alleged misconduct,
- 12 (5) a list of complaints referred to the Supreme  
13 Court pursuant to Section 1659 of Title 20 of the  
14 Oklahoma Statutes with a recommendation other  
15 than a private reprimand, the identity of the  
16 respondent judge, a brief summary of the alleged  
17 misconduct, and the Council's recommendation,
- 18 (6) a list of complaints referred to any of the  
19 bodies or officials enumerated in Article VII-A  
20 of the Oklahoma Constitution with a  
21 recommendation of removal proceedings or  
22 compulsory retirement proceedings before the  
23 Court on the Judiciary, the identity of the  
24

1                   respondent judge, a brief summary of the alleged  
2                   misconduct, and the Council's recommendation,  
3           (7)   the number of complaints for which a response was  
4                   sought from the judge that ultimately resulted in  
5                   a dismissal,  
6           (8)   an explanation of the Council's processes, and  
7           (9)   any additional public information deemed relevant  
8                   by the Council for inclusion in the annual  
9                   report.

10           SECTION 6. This act shall become effective November 1, 2025.

11   COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
12   March 4, 2025 - DO PASS AS AMENDED BY CS