

ENGROSSED SENATE
BILL NO. 236

BY: HENDRICK of the SENATE

and

HEATON of the HOUSE

[CITIES AND TOWNS - AMENDING 11 O.S., SECTION 28-102
- VIOLATIONS OF MUNICIPAL ORDINANCES -

EMERGENCY]

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

SECTION 1. AMENDATORY 11 O.S. 1981, Section 28-102, as last amended by Section 2, Chapter 141, O.S.L. 1990 (11 O.S. Supp. 1990, Section 28-102), is amended to read as follows:

Section 28-102. A. The municipal criminal courts of record shall have original jurisdiction to hear and determine all prosecutions when a violation of any of the ordinances of the city where the court is established is charged, as provided by Article VII, Section 1 of the Oklahoma Constitution.

B. Except in cases when the penalty provided for the violation of an ordinance does not exceed a fine in the amount of ~~One Hundred Dollars (\$100.00)~~ Two Hundred Fifty Dollars (\$250.00), all persons charged before such municipal criminal court of record shall be entitled to a trial by jury, unless waived by the defendant. Judgment and sentence imposed by the judge shall be as effective as if the same had been rendered and imposed by a jury.

C. The maximum punishment which may be levied in any municipal criminal court of record is a fine not exceeding Five Hundred Dollars (\$500.00) and costs, an imprisonment not to exceed ninety (90) days, or both such fine and imprisonment. ~~Provided;~~ provided, that any municipal criminal court of record may levy a fine not to exceed One Thousand Dollars (\$1,000.00) and costs, an imprisonment not to exceed ninety (90) days, or both such fine and imprisonment for violations of municipal ordinances regulating the pretreatment of wastewater and regulating stormwater discharges. A municipal ordinance may not impose a penalty greater than that established by state statute for the same offense.

D. When a defendant has been in jeopardy for the same or any lesser included offense in the municipal criminal court of record or district court, he shall not be prosecuted in any other court for the same or a lesser included offense.

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

Passed the Senate the 13th day of March, 1991.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1991.

Speaker of the House of Representatives