

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1385

BY: PILGRIM

AS INTRODUCED

AN ACT RELATING TO CIVIL AND CRIMINAL PROCEDURE;

AMENDING 12 O.S. 1981, SECTION 556.1, WHICH RELATES TO THE CONSTITUENCY OF JURIES IN CIVIL ACTIONS; AMENDING 12 O.S. 1981, SECTION 1761, AS AMENDED BY SECTION 2, CHAPTER 205, O.S.L. 1989 (12 O.S. SUPP. 1990, SECTION 1761), WHICH RELATES TO SMALL CLAIMS PROCEDURE; AMENDING 22 O.S. 1981, SECTION 601, WHICH RELATES TO THE CONSTITUENCY OF JURIES IN CRIMINAL CASES; MODIFYING AMOUNTS IN CONTROVERSY AND AMOUNTS OF FINES FOR WHICH JURIES ARE REQUIRED; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 12 O.S. 1981, Section 556.1, is amended to read as follows:

Section 556.1 (a) Where the amount in controversy, as stated in the prayer for relief or an affidavit of a party, or as found by the court where the amount in controversy in questioned by the adverse party, does not exceed ~~Fifty Dollars (\$50.00)~~ One Thousand Five Hundred Dollars (\$1,500.00), the action shall be tried to the court without a jury.

(b) In actions for forcible entry and detainer, or detention only, of real property and collection of rents therefor a jury shall consist of six (6) persons.

(c) Except as provided in parts (a) and (b) of this section, actions for the recovery of money or specific real or personal property or both shall be tried to a jury of twelve (12) persons (1) if a party requests the recovery of money in the sum of at least ~~Two Thousand Five Hundred Dollars (\$2,500.00)~~ Ten Thousand Dollars (\$10,000.00) or (2) if a party files an affidavit that the action involves at least ~~Two Thousand Five Hundred Dollars (\$2,500.00)~~ Ten Thousand Dollars (\$10,000.00) and the adverse party does not controvert the affidavit, or (3) if the adverse party controverts such an affidavit, if one is filed, and the court finds that the action involves at least ~~Two Thousand Five Hundred Dollars (\$2,500.00)~~ Ten Thousand Dollars (\$10,000.00); all other actions for the recovery of money or specific real or personal property or both shall be tried to a jury composed of six (6) persons.

SECTION 2. AMENDATORY 12 O.S. 1981, Section 1761, as amended by Section 2, Chapter 205, O.S.L. 1989 (12 O.S. Supp. 1990, Section 1761), is amended to read as follows:

Section 1761. Actions under the small claims procedure shall be tried to the court without a jury, unless the amount of the claim, counterclaim, or setoff exceeds One Thousand Five Hundred Dollars (\$1,500.00). Provided, however, if either party wishes a reporter or if either party to an action in which the claim, counterclaim, or setoff does not exceed One Thousand Five Hundred Dollars (\$1,500.00) wishes a jury, he must notify the clerk of the court in writing at least forty-eight (48) hours before the time set for the defendant's appearance and must deposit with said notice with the clerk Fifty Dollars (\$50.00). The plaintiff and the defendant shall have the right to offer evidence in their behalf by witnesses appearing at such hearing, and the judge may call such witnesses and order the production of such documents as he may deem appropriate. The hearing and disposition of such actions shall be informal with the sole object of dispensing speedy justice between the parties.

SECTION 3. AMENDATORY 22 O.S. 1981, Section 601, is amended to read as follows:

Section 601. The jury consists of twelve persons except that in misdemeanors it shall consist of six persons, chosen as prescribed by law, and sworn or affirmed well and truly to try and true deliverance to make between the State of Oklahoma and the defendant whom they shall have in charge, and a true verdict to give according to the evidence. Criminal cases wherein the punishment for the offense charged is by a fine only not exceeding ~~Twenty Dollars~~ ~~(\$20.00)~~ Five Hundred Dollars (\$500.00) shall be tried to the court without a jury.

SECTION 4. 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.

43-1-5823 SD