

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 947

BY: MILES-LaGRANGE

AS INTRODUCED

AN ACT RELATING TO COURTS; AMENDING 20 O.S. 1991,

SECTION 123, WHICH RELATES TO JURISDICTION OF

SPECIAL JUDGES; INCREASING JURISDICTION; AND

PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 20 O.S. 1991, Section 123, is amended to read as follows:

Section 123. A. Special judges may hear the following actions:

1. Actions for the recovery of money where the amount claimed does not exceed ~~Ten Thousand Dollars (\$10,000.00)~~ Fifty Thousand Dollars (\$50,000.00) and counterclaim or setoff does not exceed ~~Ten Thousand Dollars (\$10,000.00)~~ Fifty Thousand Dollars (\$50,000.00);

2. All uncontested matters, whether by default, agreement or otherwise, except that a nonlawyer special judge may not hear any uncontested matters, whether by default, agreement or otherwise, in actions for the recovery of money where judgment is sought for a greater sum than One Thousand Dollars (\$1,000.00) ~~;~~;

3. Actions for forcible entry and detainer except a nonlawyer special judge may not hear such actions if title to land or a boundary dispute is involved ~~;~~;

4. Actions for replevin where the amount in controversy does not exceed ~~Ten Thousand Dollars (\$10,000.00)~~ Fifty Thousand Dollars (\$50,000.00), except that nonlawyer special judges may not hear such actions where the amount in controversy exceeds One Thousand Dollars (\$1,000.00);i

5. Misdemeanors, except that special judges who are not lawyers may not hear criminal actions where the punishment prescribed by law exceeds a fine of Two Hundred Dollars (\$200.00), or imprisonment in a county jail for thirty (30) days, or both such fine and imprisonment except by written consent of all parties;i

6. Felonies involving a second and subsequent offense of driving, operating, or being in actual physical control of a motor vehicle while under the influence of alcohol or any other intoxicating substance, including any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act Section 2-101 et seq. of Title 63 of the Oklahoma Statutes, to a degree that renders the defendant incapable of safely driving or operating a motor vehicle, except that nonlawyer special judges may not hear such matters;i

7. When there is no district or associate district judge present in the county or when they are disqualified, the issuance of a temporary injunction or restraining order, but this paragraph shall not embrace nonlawyer special judges;i

8. Issuance of writs of habeas corpus, but this paragraph shall not embrace nonlawyer special judges;i

9. ~~Perform~~ Performance of the duties of magistrate in criminal cases;i

10. Any matter at any stage, whether intermediate or final, in a probate, divorce, domestic relations, custody ~~or~~, support, guardianship, conservatorship, mental health, juvenile, adoption, or determination of death proceeding, except that nonlawyer special judges may not hear such matters;i

11. An appeal from an order of the Department of Public Safety revoking a person's license to drive, except that nonlawyer special judges may not hear such matters ~~;~~ and

12. Other actions and proceedings, regardless of court rules, where the parties agree in writing, at any time before trial, to the action being heard by a special judge.

B. Special judges shall be authorized to serve as referee in any matter before the district court.

SECTION 2. This act shall become effective September 1, 1992.

43-2-1095

KS