

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 970

BY: MICKLE and SMITH

AS INTRODUCED

AN ACT RELATING TO COURTS; AMENDING 20 O.S. 1991,
SECTION 123, WHICH RELATES TO SPECIAL JUDGES;
ADDING STATUTORY REFERENCE; 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) and counterclaim
or setoff does not exceed Ten Thousand Dollars (\$10,000.00).

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), except that nonlawyer special judges may not hear such actions where the amount in controversy exceeds One Thousand Dollars (\$1,000.00).

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.

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.

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.

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

9. Perform the duties of magistrate in criminal cases.

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.

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.

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.

43-2-1297

KS