

ENGROSSED HOUSE
BILL NO. 1541

By: Settle, Hastings and
Perry of the House

and

Smith of the Senate

An Act relating to cities and towns; amending 11 O.S. 1991, Sections 27-119 and 28-102, which relate to jury trials in municipal courts; raising the minimum fine entitling a person to a jury trial; excluding certain court costs from minimum fine; adding certain imprisonment requirement for municipal criminal courts of record; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 27-119, is amended to read as follows:

Section 27-119. In all prosecutions in the municipal court for any offense punishable by a fine of more than ~~One Hundred Dollars~~ ~~(\$100.00)~~ Two Hundred Dollars (\$200.00), excluding court costs, or by imprisonment, or by both such fine and imprisonment, a jury trial shall be had unless waived by the defendant and the municipality, provided that the municipality has compiled its penal ordinances in accordance with the provisions of Sections 14-109 and 14-110 of this

title. If the municipality has not compiled its ordinances as provided by law, the fine shall not exceed Fifty Dollars (\$50.00). In prosecutions for all other offenses, or in cases wherein a jury trial is waived by the defendant and the municipality, trial shall be to the court. A jury in the municipal court shall consist of six (6) jurors, five of whom may return a verdict. Jurors shall be good and lawful men or women, citizens of the county in which the court sits, having the qualifications of jurors in the district court.

SECTION 2. AMENDATORY 11 O.S. 1991, 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 Dollars (\$200.00), excluding court costs, or by imprisonment, or by both such fine and imprisonment, 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, 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 3. This act shall become effective November 1, 1995.

Passed the House of Representatives the 7th day of March, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate