

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 440

By: Smith of the Senate

and

Hastings of the House

An Act relating to courts; amending 20 O.S. 1991,
Section 123, which relates to special judges;
modifying jurisdiction of special judges; providing
an effective date; and declaring an emergency.

AUTHORS: Add the following House Coauthors: Vaughn and Davis

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
and insert

"(courts - amending 20 O.S., Section 123 - special judges
- effective date - emergency)

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)~~ Twenty Thousand
Dollars (\$20,000.00) and counterclaim or setoff does not exceed ~~Ten~~
~~Thousand Dollars (\$10,000.00)~~. Twenty Thousand Dollars (\$20,000.00);

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 that 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)~~ Twenty Thousand Dollars (\$20,000.00), 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, 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.~~ 10. 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.~~ 11. 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; and

12. Any post-judgment collection matter regardless of the amount of the judgment.

B. Special judges shall be authorized to perform the duties of a magistrate in criminal cases.

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

SECTION 2. This act shall become effective July 1, 1997.

SECTION 3. 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 House of Representatives the 16th day of April, 1997.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1997.

President of the Senate