ENGROSSED HOUSE
BILL NO. 1536

By: Voskuhl and Vaughn of the House

and

Morgan of the Senate

An Act relating to cities and towns; amending 11 O.S. 1991, Section 28-101, which relates to municipal criminal courts of record; changing the population requirement for municipal criminal courts of record; providing procedure for creating courts of record; providing that judges of municipal courts of record shall not be eligible for certain retirement system; authorizing practice of law by part-time judges, with limitations; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 28-101, is amended to read as follows:

Section 28-101. A. In cities having a population of more than ~~two hundred thousand (200,000)~~ thirty-five thousand (35,000) inhabitants, as determined by the latest federal census, there is hereby created a "Municipal Criminal Court of Record of the City of _____", subject to the restrictions of subsection B of this section. References in Sections 28-101 through 28-128 of this title to the municipal criminal court of record shall mean the courts

established by the provisions of this article in cities over ~~two hundred thousand (200,000)~~ thirty-five thousand (35,000) population.

B. Before a municipal criminal court of record not in existence before November 1, 1997, may be created, the municipal governing body shall determine by resolution that the efficient disposition of cases involving the violation of municipal ordinances necessitates creating a court of record. If such a resolution is not adopted, the criminal court of the municipality shall remain a court not of record. The governing body shall cause a certified copy of the resolution to be filed in the office of the county clerk of each county in which the municipality is located. The resolution and the filing thereof shall be judicially noticed in all courts of this state. The provisions of this subsection shall not apply to any municipal criminal court of record created prior to November 1, 1997, and such courts shall have all the powers and duties heretofore provided for such courts.

C. Municipal judges presiding over the municipal criminal court of record created by this section shall not be entitled to participate in The Uniform Retirement System for Justices and Judges. Any municipal criminal court of record judge who does not serve in that capacity on a full-time basis shall not be subject to the provisions of Section 1 of Title 5 of the Oklahoma Statutes which prohibit such judges from practicing as an attorney and counselor-at-law. Provided, however, that all such judges of municipal criminal courts of record shall not practice law in the courts in which they serve as judges and shall comply with all other laws and rules governing the conduct of attorneys and judges.

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

Passed the House of Representatives the 4th day of March, 1997.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1997.

President of the Senate