ENROLLED HOUSE
BILL NO. 1196

By: Paulk and Lindley of the House

and

Brown of the Senate

An Act relating to cities and towns; amending 11 O.S. 1991, Section 28-102, as last amended by Section 1, Chapter 198, O.S.L. 1995 (11 O.S. Supp. 1996, Section 28-102), which relates to municipal criminal courts of record; increasing maximum fine; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 28-102, as last amended by Section 1, Chapter 198, O.S.L. 1995 (11 O.S. Supp. 1996, 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 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 that may be levied in any municipal criminal court of record is a fine not exceeding ~~Seven Hundred Fifty Dollars ($750.00)~~ One Thousand Two Hundred Dollars ($1,200.00) and costs, an imprisonment not to exceed six (6) months, or both such fine and imprisonment. Provided, the maximum punishment that may be levied in any municipal criminal court of record for violations of municipal traffic ordinances not including ordinances relating to driving a motor vehicle under the influence of alcohol or drugs 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, further 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 six (6) months, 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 2. This act shall become effective November 1, 1997.

Passed the House of Representatives the 26th day of February, 1997.

Speaker of the House of Representatives

Passed the Senate the 1st day of April, 1997.

President of the Senate