

ENROLLED HOUSE
BILL NO. 1432

By: Coody and Nance of the
House

and

Bass of the Senate

An Act relating to courts; amending 20 O.S. 2001, Section 125, as amended by Section 1, Chapter 153, O.S.L. 2003 (20 O.S. Supp. 2004, Section 125), which relates to office of secretary-bailiff; providing certain power and authority to CLEET-certified secretary-bailiffs; providing for promulgation of rules; prohibiting participation in certain retirement system; and providing an effective date.

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

SECTION 1. AMENDATORY 20 O.S. 2001, Section 125, as amended by Section 1, Chapter 153, O.S.L. 2003 (20 O.S. Supp. 2004, Section 125), is amended to read as follows:

Section 125. A. In all counties of the state there is created the office of secretary-bailiff for district judges and associate district judges, with each such secretary-bailiff to be appointed by order of the district judge or associate district judge to serve at the will of the appointing judge as an unclassified employee of the state exempt from the provisions of the Oklahoma Merit System of Personnel Administration. The Chief Justice shall approve by administrative directive the number and assignments of secretary-bailiffs in all counties of the state. Each secretary-bailiff shall be paid a salary pursuant to the salary schedule established by the annual appropriation for the district courts and in accordance with the job description for the position to which appointed. In every county of the state each district judge and each associate district judge may by order appoint additional necessary court personnel subject to the approval of the Chief Justice. A part-time bailiff shall be paid out of the court fund of the county where appointed at the rate set by administrative directive for each hour that such person actually attends the court and performs services, or a pro rata fraction thereof for less than an ~~hour's~~ hour of service. Notwithstanding any other provision of law, each district judge and associate district judge may contract with the sheriff of the county to allow a deputy sheriff to provide bailiff service to the court.

B. With the approval of the presiding judge, a special judge may appoint a secretary-bailiff or other personnel in accordance with the administrative order of the Chief Justice.

C. No judge shall engage more than one full-time secretary-bailiff at any given time except only during the progress of a jury trial, when a part-time bailiff may be engaged subject to the approval of the Chief Justice. In the latter event, no more than one additional bailiff shall be engaged to take charge of the jury. The costs of meals and lodging of bailiffs ordered to keep a jury together during the process of a trial or after the jury retires for deliberation shall be lawfully paid from the court fund.

D. A district judge who sits regularly in more than one county may employ only one full-time secretary-bailiff in ~~such judge's~~ the judicial district of the judge, and in any other county of the district ~~such~~ the judge may engage a bailiff only on a part-time basis when such judge sits in the county as a judge pursuant to the procedures set forth by the Chief Justice in the administrative directive. The cost of the operation of the office of a district judge of a multi-county judicial district, including the purchase of equipment and supplies, may be apportioned among the counties of that judicial district, or appropriate division of that district, based upon the percentage of revenue collected by the courts of the district.

E. The Administrative Director of the Courts shall develop and promulgate job descriptions, salary schedules and time-keeping forms for part-time bailiff personnel. The Chief Justice of the Oklahoma Supreme Court, through the Office of the Administrative Director of the Courts, shall promulgate rules for the compensation for overtime for all secretary-bailiff and part-time bailiff personnel employed.

F. Persons employed by a county that does not meet the requirements of Section 951 of Title 19 of the Oklahoma Statutes, and who serve as full-time secretary-bailiffs or full-time bailiffs shall be eligible to participate in the state retirement system and state insurance programs and any other benefits as are provided to state employees in the unclassified service. All part-time bailiff personnel shall be compensated by the local court fund.

G. On October 1, 1989, the position of full-time bailiff shall be redesignated as the position of secretary-bailiff in accordance with the job descriptions, salary schedules, and procedures approved by the Chief Justice. Additional secretary-bailiff positions shall be created as funding and employee positions are available. Counties shall be allowed to provide additional support personnel to the judges sitting in such counties to the extent that funding is available.

H. Any secretary-bailiff, who is CLEET-certified as a basic peace officer, shall have and exercise all the powers and authority of a peace officer. The Office of the Administrative Director of the Courts shall promulgate rules which prescribe the duties for all CLEET-certified secretary-bailiffs. The provisions of this subsection will not entitle a CLEET-certified secretary-bailiff to participate in the Oklahoma Police Pension and Retirement System.

SECTION 2. This act shall become effective November 1, 2005.

Passed the House of Representatives the 20th day of May, 2005.

Presiding Officer of the House of
Representatives

Passed the Senate the 24th day of May, 2005.

Presiding Officer of the Senate