

EHB 1432

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THE STATE SENATE
Monday, April 4, 2005

ENGROSSED
House Bill No. 1432
As Amended

ENGROSSED HOUSE BILL NO. 1432 - By: COODY and NANCE of the House and BASS of the Senate.

[courts - secretary-bailiff - CLEET-certified - rules - 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

1 courts and in accordance with the job description for the position
2 to which appointed. In every county of the state each district
3 judge and each associate district judge may by order appoint
4 additional necessary court personnel subject to the approval of the
5 Chief Justice. A part-time bailiff shall be paid out of the court
6 fund of the county where appointed at the rate set by administrative
7 directive for each hour that such person actually attends the court
8 and performs services, or a pro rata fraction thereof for less than
9 an ~~hour's~~ hour of service. Notwithstanding any other provision of
10 law, each district judge and associate district judge may contract
11 with the sheriff of the county to allow a deputy sheriff to provide
12 bailiff service to the court.

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

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

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

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

19 F. Persons employed by a county that does not meet the
20 requirements of Section 951 of Title 19 of the Oklahoma Statutes,
21 and who serve as full-time secretary-bailiffs or full-time bailiffs
22 shall be eligible to participate in the state retirement system and
23 state insurance programs and any other benefits as are provided to

1 state employees in the unclassified service. All part-time bailiff
2 personnel shall be compensated by the local court fund.

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

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

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

21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-29-05 - DO
22 PASS, As Amended.