

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE JOINT  
RESOLUTION 1028

By: Perry

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 4 of Article VII-A of the Constitution of the State of Oklahoma; expanding disciplinary authority of the Court on the Judiciary; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 50TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 4 of Article VII-A of the Constitution of the State of Oklahoma to read as follows:

Section 4. (a) The jurisdiction of the Trial Division of the Court may be invoked by a petition, filed either by the Supreme Court or the Chief Justice thereof; by the Governor; by the Attorney General; or by the Executive Secretary of the Oklahoma Bar Association when directed so to do by a vote of a majority of all members of its Executive Council; or by Resolution of the House of Delegates or by Resolution of the House of Representatives of the State of Oklahoma. The petition shall state the name of the respondent; the grounds upon which ~~his removal from office or compulsory retirement from office~~ discipline is sought; and such other matters as may be specified by the rules of the Trial Division. It shall be subject to amendment by order of either division of the Court.

(b) Immediately upon the filing of the petition, the Clerk shall notify the presiding officer of the Trial Division, and the respondent named therein, in accordance with the rules of the Trial Division. The presiding judge of the Trial Division shall secure from the Executive Council of the Oklahoma Bar Association a panel of five (5) active members of the Association from which the presiding judge shall designate the prosecutor, and any necessary assistant, to conduct the proceeding against the respondent.

(c) The Trial Division or the presiding judge shall set the matter for hearing, not less than sixty (60) days after notice of the filing of the petition shall have been given the respondent. In all procedural matters not covered by rule of the Trial Division, the provisions of the Code of Civil Procedure, or of the common law of Oklahoma, shall be followed, so far as they may be applicable.

(d) Pending the determination of the proceedings, the Trial Division in its discretion may suspend the respondent from the exercise of his office. After full hearing, the Trial Division shall render such judgment as the facts may justify. No judgment shall extend further than: (1) ~~the~~ removal of the respondent from office, with or without disqualification to hold any public office of honor, trust, or profit under this State, ~~or~~ (2) ~~the~~ compulsory retirement from office; but such a proceeding, regardless of result, shall not bar or prejudice any other proceeding, civil or criminal, authorized by law, (3) public censure, or (4) private reprimand. A judicial officer who is a member of the retirement compensation system prescribed by this Article and is compulsory retired shall receive the retirement compensation to which his term of service entitled him. If he is not qualified for full retirement compensation, he may receive such compensation as the Court may decree, in proportion to time served and in accordance with principles of justice and equity, alike as to amount, commencement

of payment, terms of payment, or other relevant conditions or limitations.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure would amend the Oklahoma Constitution. The measure deals with the Court on the Judiciary. This is the group that decides if a judge should be removed from office. Under current law, the Court can only take two actions. It may either remove a judge from office or make the judge retire. The amendment would increase the types of actions the Court can take. If the amendment passes, the Court would be able to publicly censure a judge and issue private reprimands. The Court would still be able to remove a judge from office or make the judge retire.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES \_\_\_\_\_

AGAINST THE PROPOSAL - NO \_\_\_\_\_

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

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