

THE HOUSE OF REPRESENTATIVES  
Monday, February 8, 2010

House Joint  
Resolution No. 1056

HJR 1056

HOUSE JOINT RESOLUTION NO. 1056 - By: DUNCAN of the House and SYKES of the Senate.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 1 of Article VII of the Constitution of the State of Oklahoma; requiring the courts of this state to uphold and adhere to the law as provided in federal and state constitutions, laws, rules and regulations; prohibiting consideration of certain laws, rules, regulations, decisions, treaties and conventions; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

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

4 Section 1. A. The judicial power of this State shall be vested in the Senate, sitting  
5 as a Court of Impeachment, a Supreme Court, the Court of Criminal Appeals, the Court  
6 on the Judiciary, the ~~State Industrial Workers' Compensation~~ Court, the Court of Bank  
7 Review, the Court of Tax Review, and such intermediate appellate courts as may be  
8 provided by statute, District Courts, and such Boards, Agencies and Commissions

1 created by the Constitution or established by statute as exercise adjudicative authority  
2 or render decisions in individual proceedings. Provided that the Court of Criminal  
3 Appeals, the ~~State Industrial Workers' Compensation~~ Court, the Court of Bank Review  
4 and the Court of Tax Review and such Boards, Agencies and Commissions as have been  
5 established by statute shall continue in effect, subject to the power of the Legislature to  
6 change or abolish said Courts, Boards, Agencies, or Commissions. Municipal Courts in  
7 cities or incorporated towns shall continue in effect and shall be subject to creation,  
8 abolition or alteration by the Legislature by general laws, but shall be limited in  
9 jurisdiction to criminal and traffic proceedings arising out of infractions of the provisions  
10 of ordinances of cities and towns or of duly adopted regulations authorized by such  
11 ordinances.

12 B. The Courts provided for in subsection A of this section, when exercising their  
13 judicial authority, shall uphold and adhere to the law as provided in the United States  
14 Constitution, the Oklahoma Constitution, the United States Code and federal regulations  
15 promulgated pursuant thereto, and the Oklahoma Statutes and rules promulgated  
16 pursuant thereto, and in doing so, shall rely only on those sources, and if necessary for  
17 the determination of a particular case, the laws, rules, regulations, and cases of another  
18 state of the United States, in making judicial decisions. The courts shall not look to the  
19 legal precepts of other nations or cultures. Specifically, the courts shall not consider  
20 Sharia Law, international law, the constitutions, laws, rules, regulations, and decisions  
21 of courts or tribunals of other nations, or conventions or treaties, whether or not the

1 United States is a party. The provisions of this subsection shall apply to all cases before  
2 the respective courts including, but not limited to, cases of first impression.

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

5 **BALLOT TITLE**

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

7 **THE GIST OF THE PROPOSITION IS AS FOLLOWS:**

8 This measure amends the State Constitution. It would change a section that deals  
9 with the courts of this state. It would make courts rely on federal and state laws  
10 when deciding cases. It would forbid courts from looking at foreign laws and cases  
11 when deciding cases.

12 **SHALL THE PROPOSAL BE APPROVED?**

13 **FOR THE PROPOSAL — YES** \_\_\_\_\_

14 **AGAINST THE PROPOSAL — NO** \_\_\_\_\_

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

19 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02-04-10 - DO PASS, As  
20 Coauthored.

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.