

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE JOINT  
4 RESOLUTION 1056

By: Duncan

5  
6 AS INTRODUCED

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

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20 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
21 2ND SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

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

26 Section 1. A. The judicial power of this State shall be vested  
27 in the Senate, sitting as a Court of Impeachment, a Supreme Court,  
28 the Court of Criminal Appeals, the Court on the Judiciary, the ~~State~~  
29 ~~Industrial Workers' Compensation~~ Court, the Court of Bank Review,

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

17 B. The Courts provided for in subsection A of this section,  
18 when exercising their judicial authority, shall uphold and adhere to  
19 the law as provided in the United States Constitution, the Oklahoma  
20 Constitution, the United States Code and federal regulations  
21 promulgated pursuant thereto, and the Oklahoma Statutes and rules  
22 promulgated pursuant thereto, and in doing so, shall rely only on  
23 those sources, and if necessary for the determination of a  
24 particular case, the laws, rules, regulations, and cases of another

1 state of the United States, in making judicial decisions. The  
2 courts shall not look to the legal precepts of other nations or  
3 cultures. Specifically, the courts shall not consider Sharia Law,  
4 international law, the constitutions, laws, rules, regulations, and  
5 decisions of courts or tribunals of other nations, or conventions or  
6 treaties, whether or not the United States is a party. The  
7 provisions of this subsection shall apply to all cases before the  
8 respective courts including, but not limited to, cases of first  
9 impression.

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

13 BALLOT TITLE  
14 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

15 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

16 This measure amends the State Constitution. It would change a  
17 section that deals with the courts of this state. It would make  
18 courts rely on federal and state laws when deciding cases. It  
19 would forbid courts from looking at foreign laws and cases when  
20 deciding cases.

21 SHALL THE PROPOSAL BE APPROVED?

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

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

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

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