

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 499

By: Anderson of the Senate

4 and

5 Duncan of the House

6
7 AS INTRODUCED

8 An Act relating to the Council on Judicial
9 Complaints; amending 20 O.S. 2001, Section 1658,
10 which relates to investigation of complaints;
11 authorizing employment of counsel; amending 51 O.S.
12 2001, Section 6, as last amended by Section 1,
13 Chapter 170, O.S.L. 2007 (51 O.S. Supp. 2008, Section
14 6), which relates to dual office holding; extending
15 certain exemption; and providing an effective date.

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

17 SECTION 1. AMENDATORY 20 O.S. 2001, Section 1658, is
18 amended to read as follows:

19 Section 1658. A. The Council on Judicial Complaints shall
20 promptly investigate all complaints received by it, and shall
21 determine the proper disposition thereof, as provided in Sections
22 1651 through 1661 of this title.

23 B. The Council shall have power to hold hearings, administer
24 oaths or affirmations, receive testimony and other evidence, and
issue and serve or cause to be served subpoenas requiring testimony

1 or the production of books, records, papers or other tangible
2 evidence.

3 C. 1. Subject to funding limitations ~~provided by law~~, the
4 Council, ~~as needed~~, may retain, ~~by contract~~, a court reporter, by
5 contract, and, ~~as needed~~, may retain an attorney by contract with
6 either the Office of the Attorney General or other counsel, as
7 needed, or may employ counsel, notwithstanding any other provision
8 of law.

9 2. No person acting as counsel to the Council on Judicial
10 Complaints shall be eligible for election or appointment to the
11 Judicial Nominating Commission during the term of his or her
12 employment or contract for services.

13 D. The Council is hereby authorized to require in aid of its
14 investigatory functions the services of the Oklahoma State Bureau of
15 Investigation as provided for in Section 150.34 of Title 74 of the
16 Oklahoma Statutes or of any governmentally supported investigatory
17 agency or, upon authorization of the Board of Governors of the
18 Oklahoma Bar Association, of the services of the Oklahoma Bar
19 Association.

20 E. In the event of contemptuous refusal to obey its lawful
21 orders, the Council may take steps necessary to maintain order in
22 its session; as to contempts not affecting the maintenance of order,
23 it shall certify the matter to the Chief Justice of the Supreme
24 Court, which shall assign the case for trial and appropriate

1 disposition to a judge of a district court. In a contempt
2 proceeding in district court, the counsel for the Council on
3 Judicial Complaints shall act as prosecutor against the alleged
4 contemnor.

5 F. 1. All proceedings under this section shall be held in
6 secrecy to the same extent as proceedings before a grand jury.

7 2. A complainant or a witness appearing before the Council who
8 reveals or causes to be revealed to the public any information about
9 a proposed or pending judicial complaint shall be subject to a fine
10 not to exceed One Thousand Dollars (\$1,000.00). The Council on
11 Judicial Complaints shall promulgate rules pursuant to the
12 Administrative Procedures Act governing proceedings under this
13 subsection.

14 3. In addition to the fine provided for in paragraph 2 of this
15 subsection, any judicial officer who reveals or causes to be
16 revealed any information about a proposed or pending judicial
17 complaint shall be subject to public reprimand by the Court on the
18 Judiciary.

19 SECTION 2. AMENDATORY 51 O.S. 2001, Section 6, as last
20 amended by Section 1, Chapter 170, O.S.L. 2007 (51 O.S. Supp. 2008,
21 Section 6), is amended to read as follows:

22 Section 6. A. Except as may be otherwise provided, no person
23 holding an office under the laws of the state and no deputy of any
24 officer so holding any office shall, during the person's term of

1 office, hold any other office or be the deputy of any officer
2 holding any office, under the laws of the state. The provisions of
3 this section shall not apply to:

4 1. Notaries public;

5 2. Members of the State Textbook Committee;

6 3. County free fair board members;

7 4. Municipal and county law enforcement officers serving in
8 positions as law enforcement officers of both such governmental
9 entities upon such terms and conditions as are mutually approved by
10 resolutions adopted by the board of county commissioners and
11 governing body of the municipality employing such officers;

12 5. Any person holding a county or municipal office or position,
13 or membership on any public trust authority, who is a member of a
14 board or commission that relates to federal, state, county or
15 municipal government and is created by the United States Government,
16 the State of Oklahoma or a political subdivision of the state,
17 except where the duties of the offices or positions conflict;

18 6. Any elected municipal officers and school board members who
19 are appointed to a state board, commission, or similar entity if
20 there is no compensation for such services other than reimbursement
21 for necessary travel expenses pursuant to the provisions of the
22 State Travel Reimbursement Act;

23 7. Any trustee of a public trust, who is appointed as a trustee
24 of a different public trust or any trustee of the Tulsa County

1 Public Facilities Authority who may also be employed by the
2 Department of Transportation;

3 8. Law enforcement officers employed by municipal or county law
4 enforcement departments or agencies, other than those law
5 enforcement officers elected or appointed as sheriff, chief of
6 police or some similar position in which they are the head of a
7 county or municipal law enforcement agency, who are elected to local
8 boards of education; provided, the provisions of this paragraph
9 shall not prohibit any law enforcement officer employed by a
10 municipality having a population of ten thousand (10,000) or fewer
11 people from serving as a member of a local board of education;

12 9. Any member of the Oklahoma Highway Patrol Division of the
13 Department of Public Safety who is elected to a local board of
14 education;

15 10. Any District Supervisor, Assistant District Supervisor,
16 Team Supervisor, Parole Officer 1 or Parole Officer 2 of the
17 Department of Corrections who is elected or appointed to a city
18 council;

19 11. Any trustee or director of a rural electric cooperative, or
20 port authority who is appointed or elected to a state, county or
21 municipal board, commission or similar entity;

22 12. County employees who are elected as members of town or city
23 councils;

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1 13. Municipal, county, state or tribal law enforcement or peace
2 officers operating under cross-deputization agreements with an
3 Indian tribe or branch of the federal government;

4 14. Municipal or county law enforcement or peace officers
5 serving in positions as campus police officers or campus public
6 safety officers pursuant to the provisions of the Oklahoma Campus
7 Security Act, upon such terms and conditions as are mutually
8 approved by resolution adopted by the governing body of the
9 municipality or county and the governing board of the institution of
10 higher education;

11 15. State law enforcement or peace officers serving in
12 positions as campus police officers or campus public safety officers
13 pursuant to the provisions of the Oklahoma Campus Security Act, upon
14 such terms and conditions as are mutually approved by written
15 agreement between the Commissioner of Public Safety and the
16 governing board of the institution of higher education;

17 16. Municipal and county law enforcement officers serving in
18 positions as part-time rangers under the Oklahoma Tourism and
19 Recreation Department;

20 17. The Administrator of a Scenic Rivers Commission serving in
21 the position of a park ranger under the Oklahoma Tourism and
22 Recreation Department;

23 18. Members of the University Hospitals Authority;

24

- 1 19. Any person holding a state office or position who is a
2 reserve force deputy sheriff or a reserve municipal police officer;
- 3 20. Any person holding a state office or position who serves as
4 a special assistant district attorney without compensation;
- 5 21. Any elected or appointed member of a local school board who
6 is a member of a municipal planning commission;
- 7 22. Any elected or appointed member of a local school board who
8 is a member or an officer of a volunteer fire department;
- 9 23. Directors or officers of a rural water district and chiefs
10 of municipal fire departments or rural fire districts who are
11 appointed or elected to an unsalaried office in a state, county,
12 municipal, school, or technology center school board, commission, or
13 similar entity, except where the duties of the office would create a
14 conflict of interest;
- 15 24. Any person who is a dispatcher or confinement officer at a
16 municipal or county jail who is a noncompensated reserve municipal
17 police officer or a reserve deputy sheriff;
- 18 25. Any person who is an assistant district attorney serving as
19 a municipal judge or prosecutor;
- 20 26. Any park ranger under the Oklahoma Tourism and Recreation
21 Department who is elected or appointed to a local board of education
22 or to a municipal board, commission or similar entity; ~~and~~
- 23 27. Members of the Oklahoma State University Medical Center
24 Authority or the Oklahoma State University Medical Trust; and

1 28. Members of the Council on Judicial Complaints.

2 The provisions of this section shall not prohibit any person
3 holding an office under the laws of the state or any deputy of any
4 officer so holding any office from serving upon the board of
5 Oklahoma Futures or upon the board of directors of the Oklahoma
6 Center for the Advancement of Science and Technology. The
7 provisions of this section shall not prohibit a member of the board
8 of directors of the Oklahoma Center for the Advancement of Science
9 and Technology from serving upon the board of Oklahoma Futures.

10 B. Any salaries, emoluments or benefits that would otherwise be
11 paid by the agency or political subdivision to a loaned employee or
12 officer shall instead be paid to the regular employer of such
13 employee. The loaned employee shall in turn be paid regular salary
14 and benefits the same as if continuing regular employment with the
15 permanent employer.

16 SECTION 3. This act shall become effective November 1, 2009.

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