

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE JOINT  
4 RESOLUTION 84

By: Shortey

5  
6 AS INTRODUCED

7 A Joint Resolution directing the Secretary of State  
8 to refer to the people for their approval or  
9 rejection a proposed amendment to Section 4 of  
10 Article VII of the Oklahoma Constitution; removing  
11 certain power; requiring creation of certain court;  
12 providing ballot title; and directing filing.

13 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
14 2ND SESSION OF THE 53RD OKLAHOMA LEGISLATURE:

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

19 Section 4. The appellate jurisdiction of the Supreme Court  
20 shall be co-extensive with the State and shall extend to all cases  
21 at law and in equity; except that the Court of Criminal Appeals  
22 shall have exclusive appellate jurisdiction in criminal cases until  
23 otherwise provided by statute and in the event there is any conflict  
24 as to jurisdiction, the Supreme Court shall determine which court  
has jurisdiction and such determination shall be final. The

1 original jurisdiction of the Supreme Court shall extend to a general  
2 superintending control over all inferior courts and all Agencies,  
3 Commissions and Boards created by law. The Supreme Court, Court of  
4 Criminal Appeals, in criminal matters and all other appellate courts  
5 shall have power to issue, hear and determine writs of habeas  
6 corpus, mandamus, quo warranto, certiorari, prohibition and such  
7 other remedial writs as may be provided by law and may exercise such  
8 other and further jurisdiction as may be conferred by statute. Each  
9 of the Justices or Judges shall have power to issue writs of habeas  
10 corpus to any part of the State upon petition by or on behalf of any  
11 person held in actual custody and make such writs returnable before  
12 himself, or before the Supreme Court, other Appellate Courts, or  
13 before any District Court, or judge thereof in the State. The  
14 appellate and the original jurisdiction of the Supreme Court and all  
15 other appellate courts shall be invoked in the manner provided by  
16 law. The Supreme Court shall not have the power of judicial review  
17 over the constitutionality of laws enacted in this state. An Ad Hoc  
18 Court of Constitutional Review shall be created to rule on the  
19 constitutionality of such enacted laws.

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

23 BALLOT TITLE  
24 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

1 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

2 This measure amends Section 4 of Article 7 of the Oklahoma  
3 Constitution. This measure removes the power of judicial review  
4 from the Supreme Court. This measure creates a new Ad Hoc Court  
5 of Constitutional Review to rule on laws.

6 SHALL THE PROPOSAL BE APPROVED?

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

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

9 SECTION 3. The President Pro Tempore of the Senate shall,  
10 immediately after the passage of this resolution, prepare and file  
11 one copy thereof, including the Ballot Title set forth in SECTION 2  
12 hereof, with the Secretary of State and one copy with the Attorney  
13 General.

14  
15 53-2-3013 TEK 1/19/2012 4:25:01 PM

16  
17  
18  
19  
20  
21  
22  
23  
24