

1 **SENATE FLOOR VERSION**

2 February 10, 2015

3 SENATE BILL NO. 111

By: Jolley of the Senate

4 and

5 O'Donnell of the House

6
7
8 An Act relating to municipal courts not of record;
9 amending 11 O.S. 2011, Section 27-129, which relates
10 to appeals; increasing certain threshold for jury
11 trial; and providing an effective date.

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

13 SECTION 1. AMENDATORY 11 O.S. 2011, Section 27-129, is
14 amended to read as follows:

15 Section 27-129. A. An appeal may be taken from a final
16 judgment of the municipal court by the defendant by filing in the
17 district court in the county where the situs of the municipal
18 government is located, within ten (10) days from the date of the
19 final judgment, a notice of appeal and by filing a copy of the
20 notice with the municipal court. In case of an appeal, a trial de
21 novo shall be had, and there shall be a right to a jury trial if the
22 sentence imposed for the offense was a fine of more than ~~Two Hundred~~
23 ~~Dollars (\$200.00) and~~ Five Hundred Dollars (\$500.00), plus costs,
24 fees, and assessments.

1 B. Upon conviction, at the request of the defendant, or upon
2 notice of appeal being filed, the judge of the municipal court shall
3 enter an order on the docket fixing an amount in which bond may be
4 given by the defendant, in cash or sureties for cash in an amount of
5 not less than One Hundred Dollars (\$100.00) nor more than twice the
6 amount of such fine. Bond shall be taken by the clerk of the court
7 wherein judgment was rendered. Any pledge of sureties must be
8 approved by a judge of the court.

9 C. Upon appeal being filed the judge shall within ten (10) days
10 thereafter certify to the clerk of the appellate court the original
11 papers in the case. If the papers have not been certified to the
12 appellate court, the prosecuting attorney shall take the necessary
13 steps to have the papers certified to the appellate court within
14 twenty (20) days of the filing of the notice of appeal, and failure
15 to do so, except for good cause shown, shall be grounds for
16 dismissal of the charge by the appellate court, the cost to be taxed
17 to the municipality. The certificate shall state whether or not the
18 municipal judge hearing the case was a licensed attorney in
19 Oklahoma.

20 D. All proceedings necessary to carry the judgment into effect
21 shall be had in the appellate court.

22 SECTION 2. This act shall become effective November 1, 2015.

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
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