

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1363

By: Griffith

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5
6 AS INTRODUCED

7 An Act relating to courts; amending 20 O.S. 2011,
8 Section 123, which relates to special judges;
9 modifying the jurisdiction of special judges; and
10 providing an effective date.

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

12 SECTION 1. AMENDATORY 20 O.S. 2011, Section 123, is
13 amended to read as follows:

14 Section 123. A. Special judges may hear and decide the
15 following:

16 1. Actions for the recovery of money where the amount claimed
17 does not exceed ~~Ten Thousand Dollars (\$10,000.00)~~ Two Hundred Fifty
18 Thousand Dollars (\$250,000.00) and counterclaim or setoff does not
19 exceed ~~Ten Thousand Dollars (\$10,000.00)~~ Two Hundred Fifty Thousand
20 Dollars (\$250,000.00);

21 2. All uncontested matters, whether by default, agreement or
22 otherwise, except that a nonlawyer special judge may not hear any
23 uncontested matters, whether by default, agreement or otherwise, in
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1 actions for the recovery of money where judgment is sought for a
2 greater sum than One Thousand Dollars (\$1,000.00);

3 3. Actions for forcible entry and detainer except a nonlawyer
4 special judge may not hear such actions if title to land or a
5 boundary dispute is involved;

6 4. Actions for replevin where the amount in controversy does
7 not exceed ~~Ten Thousand Dollars (\$10,000.00)~~ Two Hundred Fifty
8 Thousand Dollars (\$250,000.00), except that nonlawyer special judges
9 may not hear such actions where the amount in controversy exceeds
10 One Thousand Dollars (\$1,000.00);

11 5. Misdemeanors, except that special judges who are not lawyers
12 may not hear criminal actions where the punishment prescribed by law
13 exceeds a fine of Two Hundred Dollars (\$200.00), or imprisonment in
14 a county jail for thirty (30) days, or both such fine and
15 imprisonment except by written consent of all parties;

16 6. Felonies involving a second and subsequent offense of
17 driving, operating, or being in actual physical control of a motor
18 vehicle while under the influence of alcohol or any other
19 intoxicating substance, including any controlled dangerous substance
20 as defined in the Uniform Controlled Dangerous Substances Act, to a
21 degree that renders the defendant incapable of safely driving or
22 operating a motor vehicle, except that nonlawyer special judges may
23 not hear such matters;

1 7. When there is no district or associate district judge
2 present in the county or when they are disqualified, the issuance of
3 a temporary injunction or restraining order, but this paragraph
4 shall not embrace nonlawyer special judges;

5 8. Issuance of writs of habeas corpus, but this paragraph shall
6 not embrace nonlawyer special judges;

7 9. Any matter, regardless of value, at any stage, whether
8 intermediate or final, and whether or not title to property, real,
9 personal, tangible, intangible, or any combination thereof, is to be
10 determined, in a probate, divorce, domestic relations, custody,
11 support, guardianship, conservatorship, mental health, juvenile,
12 adoption, or determination of death proceeding, except that
13 nonlawyer special judges may not hear such matters;

14 10. An appeal from an order of the Department of Public Safety
15 revoking a person's license to drive, except that nonlawyer special
16 judges may not hear such matters;

17 11. Other actions and proceedings, regardless of court rules,
18 where the parties agree in writing, at any time before trial, to the
19 action being heard by a special judge;

20 12. Any postjudgment collection matter regardless of the amount
21 of the judgment; and

22 13. Youthful offender cases pursuant to the Youthful Offender
23 Act.
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B. Special judges shall be authorized to serve as referee in any matter before the district court.

C. A special judge may perform the duties of a magistrate in criminal cases.

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

55-1-5744 SD 01/14/15