

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2798

By: Grau

AS INTRODUCED

An Act relating to civil procedure; providing procedure for certain claims or challenges to state statute; requiring ruling by a panel of judges, with exception; requiring written opinion; providing for assumption of original jurisdiction by the Supreme Court; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 990.6 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. 1. Any claim or challenge as to the constitutionality of a state statute shall be considered and ruled upon by a panel of at least three district judges of the judicial district in which the case is pending. The panel shall include the district judge assigned to the case and additional district judges assigned randomly. If the case has not been assigned to a district judge, the panel of district judges shall be assigned randomly. All other

1 issues in the case may be considered and determined by the assigned
2 judge.

3 2. If the judicial district in which the case is pending does
4 not include at least three district judges, associate district
5 judges may serve on the panel. If a three-judge panel still cannot
6 be formed, the panel shall consist of two judges.

7 3. If the district judge or panel finds a state statute to be
8 unconstitutional, the finding must be made by written opinion.

9 B. The provisions of this section shall not preclude the
10 Supreme Court from assuming original jurisdiction pursuant to
11 Section 4 of Article VII of the Oklahoma Constitution.

12 SECTION 2. This act shall become effective November 1, 2016.

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