

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE JOINT
RESOLUTION 1056

By: Roberts (Sean)

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 4 of Article VII-A of the Constitution of the State of Oklahoma, which relates to the jurisdiction of the Trial Division of the Court on the Judiciary; mandating suspension of judges in certain circumstances; providing ballot title; and directing filing.

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

Section 4. (a) The jurisdiction of the Trial Division of the Court may be invoked by a petition, filed either by the Supreme Court or the Chief Justice thereof; by the Governor; by the Attorney General; or by the Executive Secretary of the Oklahoma Bar Association when directed so to do by a vote of a majority of all members of its Executive Council; or by Resolution of the House of

1 Delegates or by Resolution of the House of Representatives of the
2 State of Oklahoma. The petition shall state the name of the
3 respondent; the grounds upon which his removal from office or
4 compulsory retirement from office is sought; and such other matters
5 as may be specified by the rules of the Trial Division. It shall be
6 subject to amendment by order of either division of the Court.

7 (b) Immediately upon the filing of the petition, the Clerk
8 shall notify the presiding officer of the Trial Division, and the
9 respondent named therein, in accordance with the rules of the Trial
10 Division. The presiding judge of the Trial Division shall secure
11 from the Executive Council of the Oklahoma Bar Association a panel
12 of five (5) active members of the Association from which the
13 presiding judge shall designate the prosecutor, and any necessary
14 assistant, to conduct the proceeding against the respondent.

15 (c) The Trial Division or the presiding judge shall set the
16 matter for hearing, not less than sixty (60) days after notice of
17 the filing of the petition shall have been given the respondent. In
18 all procedural matters not covered by rule of the Trial Division,
19 the provisions of the Code of Civil Procedure, or of the common law
20 of Oklahoma, shall be followed, so far as they may be applicable.

21 (d) Pending the determination of the proceedings, the Trial
22 Division in its discretion may suspend the respondent from the
23 exercise of ~~his~~ office; provided, if the respondent has been charged
24 with a criminal act that would warrant removal from office if the

1 respondent is convicted, the Trial Division shall suspend the
2 respondent from presiding over criminal trials. After full hearing,
3 the Trial Division shall render such judgment as the facts may
4 justify. No judgment shall extend further than: (1) to removal of
5 the respondent from office, with or without disqualification to hold
6 any public office of honor, trust, or profit under this State, or
7 (2) to compulsory retirement from office; but such a proceeding,
8 regardless of result, shall not bar or prejudice any other
9 proceeding, civil or criminal, authorized by law. A judicial
10 officer who is a member of the retirement compensation system
11 prescribed by this Article and is compulsory retired shall receive
12 the retirement compensation to which his term of service entitled
13 him. If he is not qualified for full retirement compensation, he
14 may receive such compensation as the Court may decree, in proportion
15 to time served and in accordance with principles of justice and
16 equity, alike as to amount, commencement of payment, terms of
17 payment, or other relevant conditions or limitations.

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

21 BALLOT TITLE

22 Legislative Referendum No. _____ State Question No. _____

23 THE GIST OF THE PROPOSITION IS AS FOLLOWS:
24

1 This measure amends the Oklahoma Constitution. It amends the
2 section of the Constitution dealing with the jurisdiction of the
3 Trial Division of the Court on the Judiciary. It requires the
4 Trial Division to suspend any judge that is subject to removal
5 from office during the time that the removal proceedings are
6 pending if the judge has been charged with a crime.

7 SHALL THE PROPOSAL BE APPROVED?

8 FOR THE PROPOSAL - YES _____

9 AGAINST THE PROPOSAL - NO _____

10 SECTION 3. The Chief Clerk of the House of Representatives,
11 immediately after the passage of this resolution, shall prepare and
12 file one copy thereof, including the Ballot Title set forth in
13 SECTION 2 hereof, with the Secretary of State and one copy with the
14 Attorney General.

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16 55-2-7683 SD 01/12/16
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