

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE JOINT  
RESOLUTION 1063

By: Grau

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 of the Constitution of the State of Oklahoma; modifying appellate authority of the Supreme Court; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

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 of the Constitution of the State of Oklahoma to read as follows:

Section 4. The appellate jurisdiction of the Supreme Court shall be co-extensive with the State and shall extend to all cases at law and in equity; ~~except that~~ provided, in any case in which the constitutionality of legislation enacted by the Legislature is at issue, the vote of the Supreme Court must be unanimous or there must

1 not be more than one dissenting vote for the legislation to be  
2 declared unconstitutional. If the vote of the Supreme Court is not  
3 unanimous and there is more than one dissenting vote, the  
4 legislation shall not be held to be unconstitutional. Provided  
5 further, the Court of Criminal Appeals shall have exclusive  
6 appellate jurisdiction in criminal cases until otherwise provided by  
7 statute and in the event there is any conflict as to jurisdiction,  
8 the Supreme Court shall determine which court has jurisdiction and  
9 such determination shall be final. The original jurisdiction of the  
10 Supreme Court shall extend to a general superintending control over  
11 all inferior courts and all Agencies, Commissions and Boards created  
12 by law. The Supreme Court, Court of Criminal Appeals, in criminal  
13 matters and all other appellate courts shall have power to issue,  
14 hear and determine writs of habeas corpus, mandamus, quo warranto,  
15 certiorari, prohibition and such other remedial writs as may be  
16 provided by law and may exercise such other and further jurisdiction  
17 as may be conferred by statute. Each of the Justices or Judges  
18 shall have power to issue writs of habeas corpus to any part of the  
19 State upon petition by or on behalf of any person held in actual  
20 custody and make such writs returnable before himself, or before the  
21 Supreme Court, other Appellate Courts, or before any District Court,  
22 or judge thereof in the State. The appellate and the original  
23 jurisdiction of the Supreme Court and all other appellate courts  
24 shall be invoked in the manner provided by law.

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

4 BALLOT TITLE

5 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

7 This measure amends the Oklahoma Constitution. It changes the  
8 authority of the Supreme Court to declare legislation  
9 unconstitutional. The amendment would require the vote of the  
10 Court to be unanimous or for there not to be more than one  
11 dissenting vote before a legislative enactment could be declared  
12 unconstitutional.

13 SHALL THE PROPOSAL BE APPROVED?

14 FOR THE PROPOSAL - YES \_\_\_\_\_

15 AGAINST THE PROPOSAL - NO \_\_\_\_\_

16 SECTION 3. The Chief Clerk of the House of Representatives,  
17 immediately after the passage of this resolution, shall prepare and  
18 file one copy thereof, including the Ballot Title set forth in  
19 SECTION 2 hereof, with the Secretary of State and one copy with the  
20 Attorney General.

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22 55-2-8858 SD 01/21/16  
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