

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE JOINT
RESOLUTION 1022

By: Christian

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Sections 1 and 4 of Article VII of the Constitution of the State of Oklahoma; granting judicial power to Court of Capital Appeals; directing Oklahoma Legislature to set court composition, election or appointment of judges and judicial term in statute; giving Court of Capital Appeals exclusive jurisdiction over capital murder appeals; limiting Court of Criminal Appeals jurisdiction to all other criminal appeals; authorizing Court of Capital Appeals to issue, rule and hear remedial writs; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
1ST 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 Sections 1 and 4 of Article VII of the Constitution of the State of Oklahoma to read as follows:

Section 1. A. The judicial power of this State shall be vested in the Senate, sitting as a Court of Impeachment, a Supreme Court,

1 the Court of Criminal Appeals, the Court of Capital Appeals, the
2 Court on the Judiciary, the State Industrial Court, the Court of
3 Bank Review, the Court of Tax Review, and such intermediate
4 appellate courts as may be provided by statute, District Courts, and
5 such Boards, Agencies and Commissions created by the Constitution or
6 established by statute as exercise adjudicative authority or render
7 decisions in individual proceedings. Provided that the Court of
8 Criminal Appeals, the State Industrial Court, the Court of Bank
9 Review and the Court of Tax Review and such Boards, Agencies and
10 Commissions as have been established by statute shall continue in
11 effect, subject to the power of the Legislature to change or abolish
12 said Courts, Boards, Agencies, or Commissions. Municipal Courts in
13 cities or incorporated towns shall continue in effect and shall be
14 subject to creation, abolition or alteration by the Legislature by
15 general laws, but shall be limited in jurisdiction to criminal and
16 traffic proceedings arising out of infractions of the provisions of
17 ordinances of cities and towns or of duly adopted regulations
18 authorized by such ordinances.

19 B. The composition of the Court of Capital Appeals, election or
20 appointment of judges and judicial terms shall be set by the
21 Oklahoma Legislature in a manner provided by statute. The
22 amendments to this section shall become effective November 1, 2017.

23 Section 4. A. The appellate jurisdiction of the Supreme Court
24 shall be co-extensive with the State and shall extend to all cases

1 at law and in equity; except that the Court of Capital Appeals shall
2 have exclusive appellate jurisdiction in capital murder cases and
3 the Court of Criminal Appeals shall have exclusive appellate
4 jurisdiction in all other criminal cases and until otherwise
5 provided by statute and in the event there is any conflict as to
6 jurisdiction, the Supreme Court shall determine which court has
7 jurisdiction and such determination shall be final. The original
8 jurisdiction of the Supreme Court shall extend to a general
9 superintending control over all inferior courts and all Agencies,
10 Commissions and Boards created by law. The Supreme Court, Court of
11 Capital Appeals, Court of Criminal Appeals, in criminal matters and
12 all other appellate courts shall have power to issue, hear and
13 determine writs of habeas corpus, mandamus, quo warranto,
14 certiorari, prohibition and such other remedial writs as may be
15 provided by law and may exercise such other and further jurisdiction
16 as may be conferred by statute. Each of the Justices or Judges
17 shall have power to issue writs of habeas corpus to any part of the
18 State upon petition by or on behalf of any person held in actual
19 custody and make such writs returnable before himself, or before the
20 Supreme Court, other Appellate Courts, or before any District Court,
21 or judge thereof in the State. The appellate and the original
22 jurisdiction of the Supreme Court and all other appellate courts
23 shall be invoked in the manner provided by law.

B. The amendments to this section shall become effective
November 1, 2017.

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

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It amends Sections 1 and 4 of Article 7. It would give judicial power to a newly created court in the state. The new court would be known as the Court of Capital Appeals. The composition of the court, election or appointment of judges and judicial terms for the Court of Capital Appeals would be set by the Oklahoma Legislature through statute. The Court of Capital Appeals would have exclusive jurisdiction in all capital murder case appeals. The Court of Criminal Appeals would have exclusive jurisdiction in all other criminal case appeals. The Court of Capital Appeals would have the authority to issue, rule and hear remedial writs as provided by law. This amendment would become effective on January 1, 2017.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL – YES

AGAINST THE PROPOSAL — NO

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

55-1-6369 EK 01/14/15