

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 HOUSE JOINT
5 RESOLUTION 1051

By: Williams

6
7 AS INTRODUCED

8 An Act directing the Secretary of State to refer to
9 the people for their approval or rejection a proposed
10 amendment to Sections 1,3, 4 and 5 of Article VII of
11 the Oklahoma Constitution, Section 1 of Article VII-B
12 of the Oklahoma Constitution and Section 1 of Article
13 VIII of the Constitution of the State of Oklahoma;
14 abolishing the Court of Criminal Appeals and
15 transferring all duties, powers, cases, property and
16 personnel of the Court other than Judges to the
17 Supreme Court; providing ballot title; and directing
18 filing.

19 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
20 2ND SESSION OF THE 56TH OKLAHOMA LEGISLATURE:

21 SECTION 1. The Secretary of State shall refer to the people for
22 their approval or rejection, as and in the manner provided by law,
23 the following proposed amendments to Sections 1, 3, 4 and 5 of
24 Article VII, Section 1 of Article VII-B and Section 1 of Article
25 VIII of the Constitution of the State of Oklahoma to read as
26 follows:

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

21 Section 3. From each of the Supreme Court districts ~~and Court~~
22 ~~of Criminal Appeals districts~~, the voters thereof shall elect a
23 Justice of the Supreme Court ~~and a Judge of the Court of Criminal~~
24 ~~Appeals~~ at a non-partisan election, in a manner provided by statute.

1 In the event intermediate appellate courts are created, the judges
2 thereof shall be elected at a non-partisan election, in a manner
3 provided by statute. In the event of a vacancy the Governor shall,
4 by appointment from said district, fill such vacancy until the next
5 election for State Officers, and at such election the vacancy for
6 the unexpired term shall be filled by a non-partisan election in a
7 manner provided by statute.

8 Section 4. A. The appellate jurisdiction of the Supreme Court
9 shall be co-extensive with the State and shall extend to all cases
10 at law, both civil and criminal, and in equity; ~~except that the~~
11 ~~Court of Criminal Appeals shall have exclusive appellate~~
12 ~~jurisdiction in criminal cases until otherwise provided by statute~~
13 ~~and in the event there is any conflict as to jurisdiction, the~~
14 ~~Supreme Court shall determine which court has jurisdiction and such~~
15 ~~determination shall be final.~~ The original jurisdiction of the
16 Supreme Court shall extend to a general superintending control over
17 all inferior courts and all Agencies, Commissions and Boards created
18 by law. The Supreme Court, ~~Court of Criminal Appeals, in criminal~~
19 ~~matters~~ and all other appellate courts shall have power to issue,
20 hear and determine writs of habeas corpus, mandamus, quo warranto,
21 certiorari, prohibition and such other remedial writs as may be
22 provided by law and may exercise such other and further jurisdiction
23 as may be conferred by statute. Each of the Justices ~~or Judges~~
24 shall have power to issue writs of habeas corpus to any part of the

1 State upon petition by or on behalf of any person held in actual
2 custody and make such writs returnable before himself or herself, or
3 before the Supreme Court, other Appellate Courts, or before any
4 District Court, or judge thereof in the State. The appellate and
5 the original jurisdiction of the Supreme Court and all other
6 appellate courts shall be invoked in the manner provided by law.

7 B. The Court of Criminal Appeals shall be abolished within one
8 year of the passage of this amendment. All duties, powers, cases,
9 records, property and personnel of the Court other than Judges shall
10 be transferred to the Supreme Court. The Legislature shall enact
11 any necessary legislation to implement the provisions of this
12 subsection.

13 Section 5. The sessions of the Supreme Court shall be held at
14 the seat of government, and the sessions and duration thereof shall
15 be fixed by rule of said Court. A majority of the members of the
16 Supreme Court shall constitute a quorum and the concurrence of the
17 majority of said Court shall be necessary to decide any question.
18 The jurisdiction, powers, duties and procedures of intermediate
19 appellate courts shall be as provided by rules of the Supreme Court
20 until otherwise provided by statute. In the event of the creation
21 of intermediate appellate courts, all appeals shall be made to the
22 Supreme Court, which may, by rule, determine the method of
23 assignment to, and recall from, the intermediate appellate courts
24 until otherwise provided by statute. When the intermediate

1 appellate courts acquire jurisdiction in any cause and make final
2 disposition of same, such disposition shall be final and there shall
3 be no further right of appeal except for issuance of a writ of
4 certiorari ordered by a majority of the Supreme Court which may
5 affirm, modify or make such other changes in said decision as it
6 deems proper. The Supreme Court and intermediate appellate court
7 decisions shall be in such form as the Supreme Court shall specify
8 by rule ~~and the Court of Criminal Appeals decisions shall be in such~~
9 ~~form as it shall specify by rule~~, until otherwise provided by
10 statute. The Supreme Court shall appoint a Clerk of the Supreme
11 Court, who shall serve at the pleasure of the Supreme Court and who
12 shall perform the duties prescribed by law and rules of the Supreme
13 Court. The Clerk of the Supreme Court in office on the effective
14 date of this Article shall continue in office for the duration of
15 his or her elective term.

16 SECTION VII-B

17 Section 1. (a) The provisions of this Article shall govern the
18 selection and tenure of all Justices of the Supreme Court ~~and Judges~~
19 ~~of the Court of Criminal Appeals~~ of the State of Oklahoma, to which
20 the provisions hereof may be extended as hereinafter provided, other
21 provisions of the Constitution or statutes of the State of Oklahoma
22 to the contrary notwithstanding, and the provisions of Article VII
23 as proposed by House Joint Resolution No. 508 of the First Session
24

1 of the Thirty-first Oklahoma Legislature to the contrary
2 notwithstanding.

3 (b) As used in this Section, "Judicial Office" means the
4 offices of Justice of the Supreme Court ~~and Judges of the Court of~~
5 ~~Criminal Appeals~~ and "Judicial Officer" means a Justice ~~or Judge of~~
6 ~~each such court~~ of the Supreme Court, excluding retired or
7 supernumerary Justices ~~or Judges~~.

8 SECTION VIII

9 Section 1. The Governor and other elective state officers,
10 including the Justices of the Supreme Court, shall be liable and
11 subject to impeachment for wilful neglect of duty, corruption in
12 office, habitual drunkenness, incompetency, or any offense involving
13 moral turpitude committed while in office. All elected state
14 officers, including Justices of the Supreme Court ~~and Judges of the~~
15 ~~Court of Criminal Appeals~~, shall be automatically suspended from
16 office upon their being declared guilty of a felony by a court of
17 competent jurisdiction and their pay and allowances, otherwise
18 payable to such official, shall be withheld during the period of
19 such suspension. In the event such verdict of guilty is reversed by
20 a court of competent jurisdiction on appeal, such accumulated pay
21 and allowances which have been withheld shall be paid to such
22 official and he or she shall be automatically reinstated in office
23 to serve the remaining part of the term for which he or she was
24 elected. Such official shall not be entitled to any pay or

1 allowances for a period of time after the term of office would
2 otherwise have expired and he shall not be entitled to reinstatement
3 in office after the expiration of the term for which he or she was
4 elected. Whenever any Justice of the Supreme Court ~~or Judge of the~~
5 ~~Court of Criminal Appeals~~ is suspended by reasons of this section,
6 the Governor shall be authorized to appoint a temporary Justice ~~or~~
7 ~~Judge~~ to serve during the period of such suspension and such
8 temporary Justice ~~or Judge~~ shall be paid for his or her services the
9 compensation allowed for such regular Justice ~~or Judge~~.

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

13 BALLOT TITLE

14 Legislative Referendum No. _____ State Question No. _____

15 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

16 This measure amends the Oklahoma Constitution. It abolishes the
17 Court of Criminal Appeals. This is the court that has
18 jurisdiction over appeals from district courts in criminal
19 matters. This jurisdiction, along with current cases, records,
20 employees, and property would be transferred to the Supreme
21 Court.

22 SHALL THE PROPOSAL BE APPROVED?

23 FOR THE PROPOSAL — YES _____

24 AGAINST THE PROPOSAL — NO _____

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

6
7 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/01/2018 - DO PASS.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24