

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 2863

By: Lowe

AS INTRODUCED

An Act relating to civil procedure; amending 12 O.S. 2011, Section 667, which relates to legislative continuances; updating language; requiring notice of legislative continuance by specified methods and within certain time frame; mandating filing written motion for continuance after notice is given; prescribing limitations for rescheduling action; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 2011, Section 667, is amended to read as follows:

Section 667. A. The court may, for good cause shown, continue an action at any stage of the proceedings upon terms as may be just; provided, that if a party or ~~his~~ the attorney of record is serving as a member of the Legislature or the Senate, sitting as a court of impeachment, or within thirty (30) days after an adjournment of a session of the Legislature, such fact shall constitute cause for continuance of the case, and it is mandatory that the court shall grant such continuance upon motion whether ~~such~~ the attorney may

1 have been employed before or during the session of the Legislature,
2 and the court shall have no power to exercise its discretion as to
3 the granting of ~~such~~ the continuance, and all motions, demurrers and
4 preliminary matters to be heard by the court, the refusal to grant
5 which shall constitute error, and entitle such party to a new trial
6 as a matter of right. The party or an attorney of record who is
7 serving as a member of the Legislature shall provide notice to the
8 court of a continuance motion telephonically, electronically or by
9 facsimile no later than the day before the scheduled action and
10 shall file a written motion no later than fourteen (14) days after
11 notice of the continuance motion. The action shall be rescheduled
12 to a date agreed upon by the parties or a date that is at least ten
13 (10) days after adjournment of a session of the Legislature.

14 B. When a continuance is granted on account of the absence of
15 evidence, it shall be at the cost of the party making the
16 application unless the court otherwise ~~order~~ orders. ~~And when~~ When
17 any litigant has given notice of appeal from any judgment of any
18 court of record in this state to the Supreme Court or the Court of
19 ~~Criminal Court of~~ Appeals and the time for doing any act to perfect
20 such appeal has, or does hereafter lapse during the session of the
21 Legislature, whether regular or special, and the ~~said~~ litigant is a
22 member of the Senate or House of Representatives, ~~of the State of~~
23 ~~Oklahoma,~~ in ~~such~~ session, or ~~his~~ the attorney of record is ~~such a~~
24 member, ~~such~~ the litigant or attorney shall have such time after the

1 adjournment of the session of the Legislature to perform such act
2 and complete ~~his~~ the appeal as ~~he~~ the litigant had at the
3 commencement of the session of the Legislature, of which ~~he~~ the
4 litigant or ~~his~~ the attorney of record was a member, and all acts
5 done in the perfection of such appeals shall be as valid as if done
6 within the time provided.

7 SECTION 2. This act shall become effective November 1, 2018.

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