

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3683 \_\_\_\_\_  
Of the printed Bill

Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Ty Burns

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 3683

By: Kannady

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to criminal procedure; amending 22 O.S. 2011, Sections 1181, 1181.2, 1182, 1192, 1194, 1195 and 1196, which relate to removal of officers; authorizing certain elected officers to be fined; adding causes for removal or fine; modifying accusation contents; modifying type of accusation presented to grand jury; authorizing fine upon certain conviction; modifying accusation presented by certain county officials; modifying complaint contents; authorizing certain county officer to voluntarily suspend himself or herself from office under certain circumstances; authorizing judgment to include fine; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 1181, is amended to read as follows:

Section 1181. Any officer not subject to impeachment elected or appointed to any state, county, township, city, town, or other office under the laws of the state may, in the manner provided in this article, be removed from office or fined an amount to exceed Five Hundred Dollars (\$500.00) for any of the following causes:

1 First. Habitual or willful neglect of duty.

2 Second. Gross partiality in office.

3 Third. Oppression in office.

4 Fourth. Corruption in office.

5 Fifth. Extortion or willful overcharge of fees in office.

6 Sixth. Willful maladministration.

7 Seventh. Habitual drunkenness.

8 Eighth. Failure to produce and account for all public funds and  
9 property in his or her hands, at any settlement or inspection  
10 authorized or required by law.

11 Ninth. Habitual absence from training events.

12 Tenth. Dereliction of duty.

13 SECTION 2. AMENDATORY 22 O.S. 2011, Section 1181.2, is  
14 amended to read as follows:

15 Section 1181.2 The complaint, petition, accusation or  
16 proceeding for removal or ouster from office or fine may include  
17 allegations or charges of any act or acts of commission, omission or  
18 neglect which may be committed, done or omitted during the term of  
19 office in which such ~~ouster or removal~~ proceeding may be filed, and  
20 may also include allegations or charges as to any act or acts of  
21 commission, omission or neglect committed, done or omitted during a  
22 previous or preceding term in such office.

23 SECTION 3. AMENDATORY 22 O.S. 2011, Section 1182, is  
24 amended to read as follows:

1       Section 1182. An accusation in writing, charging such officer  
2 with any of the causes for removal ~~mentioned in the first preceding~~  
3 ~~section~~ or fine as provided in Section 1181 of this title may be  
4 presented by the grand jury to the district court of the county in  
5 or for which the officer is elected or appointed: ~~Provided;~~  
6 provided, that in the case of a state officer, such accusation may  
7 be presented by the grand jury of the county in which such officer  
8 resides, or in which he or she has his or her place of office for  
9 the usual transaction of official business.

10       SECTION 4.       AMENDATORY       22 O.S. 2011, Section 1192, is  
11 amended to read as follows:

12       Section 1192. Upon a conviction, the court ~~must~~ shall pronounce  
13 judgment, that the defendant be removed from office or be fined.  
14 But to warrant a removal or fine, the judgment must be entered upon  
15 the minutes, assigning therein the causes of removal or fine.

16       SECTION 5.       AMENDATORY       22 O.S. 2011, Section 1194, is  
17 amended to read as follows:

18       Section 1194. The board of county commissioners may, in the  
19 case of any county or township officer, present such accusation and  
20 bring an action in the name of the county for the removal or fine of  
21 such officer, and the district court shall have exclusive  
22 jurisdiction thereof; but if any county commissioner is the party  
23 charged, then the judge of the district court and county treasurer  
24 shall present such accusation and bring the action. The

1 proceedings, in actions brought under the provisions of this  
2 section, shall, except as provided in ~~the two next succeeding~~  
3 ~~sections~~ Sections 1195 and 1196 of this title, be as is provided in  
4 ~~the preceding sections of this article~~ Sections 1181 through 1193 of  
5 this title.

6 SECTION 6. AMENDATORY 22 O.S. 2011, Section 1195, is  
7 amended to read as follows:

8 Section 1195. ~~(1)~~ A. When the complaint for removal or fine is  
9 filed, if, in addition to the matter charged as ground for removal  
10 or fine, the complaint shall also pray that the officer charged be  
11 suspended from office pending the investigation, the judge of the  
12 court may, if sufficient cause appear from the charge or from the  
13 testimony, or affidavits then presented, order the suspension of the  
14 accused from the functions of his or her office until the  
15 determination of the matter. If the order of suspension be made and  
16 the court be then in session, the accused shall be entitled to a  
17 trial within ten (10) days, if he or she demands it. If the court  
18 be not in session, then the accused shall be entitled to a trial on  
19 the first day of the next term. The accused shall have the right to  
20 change of judge, or to a change of venue, on application to the  
21 court, or to the judge if the court be not in session, on making the  
22 showing required to change the venue in a criminal case, and if the  
23 application be allowed the matter shall be sent for trial to the  
24 nearest adjoining county, and in which the objections stated as

1 ground of change do not exist, and trial shall be there had at the  
2 earliest possible date. But one such change shall be allowed. The  
3 accused shall be entitled to continuance, as in other cases. If the  
4 accused be not suspended from his or her office, then the  
5 complainant may have a continuance, as in other criminal cases. If  
6 a suspension ~~take~~ takes place, the board of county commissioners may  
7 temporarily fill the office by appointment, but if the officer  
8 suspended ~~be~~ is a county commissioner, then the vacancy shall be  
9 filled by temporary appointment made by the Governor.

10 ~~(2)~~ B. A county officer, other than a county commissioner,  
11 against whom a complaint for removal or fine has been filed, may  
12 voluntarily suspend himself or herself from office by filing an  
13 election of suspension at any time after such complaint has been  
14 filed with the board of county commissioners, which board shall  
15 temporarily fill the office by appointment. If the officer ~~be~~ is a  
16 county commissioner, then such filing shall be made with the  
17 Governor of the State of Oklahoma, who shall temporarily fill the  
18 office by appointment. If upon trial such officer is found guilty,  
19 such temporary appointment shall remain in effect until a successor  
20 is duly qualified as provided by law, but if such officer is  
21 acquitted, such temporary appointment shall expire at that time, and  
22 the person so acquitted shall immediately resume his or her office.

23 SECTION 7. AMENDATORY 22 O.S. 2011, Section 1196, is  
24 amended to read as follows:

1       Section 1196. The question of fact shall be tried as in other  
2 actions, and if the accused is found guilty, the judgment shall be  
3 entered either fining the officer or removing the officer from his  
4 or her office and declaring the ~~latter~~ office vacant, or as provided  
5 for in the code of criminal procedure, and a copy thereof shall be  
6 certified to the board of county commissioners, and the county clerk  
7 shall enter the same upon the proper record.

8       SECTION 8. This act shall become effective November 1, 2020.

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