

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL 1812

By: Daniels

COMMITTEE SUBSTITUTE

An Act relating to the Judiciary; amending 20 O.S. 2011, Section 1402, which relates to disqualification of appellate judges; modifying procedures for assignment of Justices or Judges in substitution of recused or disqualified Justices or Judges; and declaring an emergency.

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

SECTION 1. AMENDATORY 20 O.S. 2011, Section 1402, is amended to read as follows:

Section 1402. A. No Justice of the Supreme Court of this State or Judge of the Criminal Court of Appeals shall participate in the decision of any appellate cause ~~in such Court appealed thereto from a lower court of said state, in which court such the~~ Justice or Judge was ~~judge~~ presiding at the trial of such cause; ~~and the same qualifications shall apply to the members of the Supreme Court and the Criminal Court of Appeals, as to other courts of record; and, whenever any member of either of said Courts is.~~

1        B. When a Justice of the Supreme Court is recused or  
2 ~~disqualified, the same shall be entered of record in such Court and~~  
3 ~~such disqualifications of such member shall forthwith be certified~~  
4 ~~by~~ from deciding a cause for any reason, the Clerk of ~~such~~ the Court  
5 shall certify the recusal or disqualification to the Governor of the  
6 ~~state, who shall appoint some member of the Bar of the state,~~  
7 ~~possessing the same qualifications as the members of such Court, to~~  
8 ~~sit as special Judge in said cause~~ assign a Judge of the Court of  
9 Civil Appeals to the matter in substitution of the recused or  
10 disqualified Justice. If no Judge of the Court of Civil Appeals is  
11 able to serve, the Governor shall assign a retired Supreme Court  
12 Justice to the matter in substitution of the recused or disqualified  
13 Justice.

14        C. When a Judge of the Court of Criminal Appeals is recused or  
15 disqualified from deciding a cause for any reason, the Clerk of the  
16 Court shall certify the recusal or disqualification to the Governor  
17 who shall assign a Judge of the Court of Civil Appeals to the matter  
18 in substitution of the recused or disqualified Judge. If no Judge  
19 of the Court of Civil Appeals is able to serve, the Governor shall  
20 assign a retired Judge of the Court of Criminal Appeals to the  
21 matter in substitution of the recused or disqualified Judge.

22        SECTION 2. It being immediately necessary for the preservation  
23 of the public peace, health or safety, an emergency is hereby  
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1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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