

1 ENGROSSED SENATE
2 BILL NO. 1812

By: Daniels and Bullard of the
Senate

3 and

4 Kannady of the House

5
6
7 An Act relating to the Judiciary; amending 20 O.S.
8 2011, Section 1402, which relates to disqualification
9 of appellate judges; modifying procedures for
10 assignment of Justices or Judges in substitution of
11 recused or disqualified Justices or Judges; and
12 declaring an emergency.

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

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

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

24 B. When a Justice of the Supreme Court is recused or
~~disqualified, the same shall be entered of record in such Court and~~

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

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

20 SECTION 2. It being immediately necessary for the preservation
21 of the public peace, health or safety, an emergency is hereby
22 declared to exist, by reason whereof this act shall take effect and
23 be in full force from and after its passage and approval.
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1 Passed the Senate the 9th day of March, 2020.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2020.

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8 _____
9 Presiding Officer of the House
10 of Representatives