1	SENATE FLOOR VERSION
2	February 25, 2020
3	COMMITTEE SUBSTITUTE FOR
4	SENATE BILL NO. 1812 By: Daniels
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8	An Act relating to the Judiciary; amending 20 O.S.
	2011, Section 1402, which relates to disqualification
9	of appellate judges; modifying procedures for assignment of Justices or Judges in substitution of
LO	recused or disqualified Justices or Judges; and declaring an emergency.
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L3	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
L 4	SECTION 1. AMENDATORY 20 O.S. 2011, Section 1402, is
L 5	amended to read as follows:
L6	Section 1402. A. No Justice of the Supreme Court of this State
L7	or Judge of the Criminal Court of Appeals shall participate in the
18	decision of any appellate cause in such Court appealed thereto from
L9	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.
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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

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

SECTION 2. It being immediately necessary for the preservation

of the public peace, health or safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval. COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY February 25, 2020 - DO PASS AS AMENDED