

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1789

By: Daniels

AS INTRODUCED

An Act relating to the Court of Civil Appeals;
amending 20 O.S. 2011, Section 30.1, which relates to
jurisdiction and certiorari; modifying authority for
review of certain decisions; directing assignment of
certain appeals; providing exception; limiting
certain discretion; construing provisions;
prohibiting recall of certain assigned cases;
granting certain rights to parties; providing for
certain waiver; and providing an effective date.

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

SECTION 1. AMENDATORY 20 O.S. 2011, Section 30.1, is
amended to read as follows:

Section 30.1. A. There is hereby established an intermediate
appellate court to be known as the Court of Civil Appeals of the
State of Oklahoma which shall have the power to determine or
otherwise dispose of any cases that are ~~assigned to it by the~~
~~Supreme Court~~ properly before the court. Its decisions, when final,
shall ~~neither~~ not be appealable to the Supreme Court ~~nor be subject~~
~~to reexamination by another division of the Court of Civil Appeals~~

1 ~~or by the Judges of that Court sitting en banc~~ except upon
2 certiorari as provided in this section.

3 B. The Court of Civil Appeals shall have jurisdiction to issue
4 writs of habeas corpus, mandamus, quo warranto, certiorari,
5 prohibition, or any other process when this may be necessary in any
6 case ~~assigned to it by the Supreme Court~~ properly before the court.

7 C. On the effective date of this act, and thereafter, the
8 Supreme Court shall assign every appeal of a district court
9 decision, except for criminal cases appealed to the Court of
10 Criminal Appeals as provided by law, to the Court of Civil Appeals.
11 The Supreme Court shall not retain any appeal of a district court
12 decision and shall not have discretion in whether to assign an
13 appeal to the Court of Civil Appeals. Nothing contained in this
14 section shall be construed to alter the original jurisdiction of the
15 Supreme Court.

16 D. A decision of the Court of Civil Appeals may only be
17 reviewed by the Supreme Court if a majority of its Justices direct
18 that a writ of certiorari be granted, ~~and the~~. The Supreme Court
19 ~~may, by order,~~ shall not recall a case ~~from~~ assigned to the Court of
20 Civil Appeals.

21 E. In every appeal the Supreme Court reviews pursuant to a
22 grant of certiorari, each party shall have the right to submit a
23 timely brief and to present oral argument unless all parties
24 expressly waive one or both rights.

SECTION 2. This act shall become effective November 1, 2020.

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