

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1789

By: Daniels

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5  
6 AS INTRODUCED

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

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

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

19 Section 30.1. A. There is hereby established an intermediate  
20 appellate court to be known as the Court of Civil Appeals of the  
21 State of Oklahoma which shall have the power to determine or  
22 otherwise dispose of any cases that are ~~assigned to it by the~~  
23 ~~Supreme Court~~ properly before the court. Its decisions, when final,  
24 shall ~~neither~~ not be appealable to the Supreme Court ~~nor be subject~~  
25 ~~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.

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

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