

1 ENGROSSED SENATE
2 BILL NO. 957

By: Howard of the Senate

3 and

4 Kannady of the House

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

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

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

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

23 B. When a Justice of the Supreme Court is recused or
24 ~~disqualified the same shall be entered of record in such Court and~~
~~such disqualifications of such member shall forthwith be certified~~

1 ~~by~~ from deciding a cause for any reason, the remainder of the Court
2 shall decide the cause. If, during the decision of any cause, there
3 are less than seven (7) qualified Justices, the Clerk of ~~such the~~
4 Court shall certify all such recusals or disqualifications to the
5 Governor ~~of the state,~~ who shall ~~appoint some member of the Bar of~~
6 ~~the state, possessing the same qualifications as the members of such~~
7 ~~Court, to sit as special Judge in said cause~~ assign a retired
8 Supreme Court Justice to the matter in substitution of the recused
9 or disqualified Justices. If no retired Supreme Court Justice is
10 able to serve, the Governor shall assign a member of the Bar of this
11 state who possesses the same qualifications as the members of the
12 Supreme Court to the matter in substitution of the recused or
13 disqualified 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 along with the
17 case number to the Governor who shall assign a retired Judge of the
18 Court of Criminal Appeals to the matter in substitution of the
19 recused or disqualified Judge. If no retired Judge of the Court of
20 Criminal Appeals is able to serve, the Governor shall assign a Judge
21 of the Court of Civil Appeals to the matter in substitution of the
22 recused or disqualified Judge. If no Judge of the Court of Civil
23 Appeals is able to serve, the Governor shall assign a member of the
24 Bar of this state who possesses the same qualifications as the

1 members of the Court of Criminal Appeals to the matter in
2 substitution of the recused or disqualified Judge.

3 SECTION 2. This act shall become effective November 1, 2021.

4 Passed the Senate the 9th day of March, 2021.

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6 Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,
9 2021.

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11 Presiding Officer of the House
12 of Representatives
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