

An Act

ENROLLED SENATE
BILL NO. 957

By: Howard of the Senate

and

Moore and Lepak of the
House

An Act relating to the Judiciary; amending 20 O.S. 2011, Section 1402, which relates to disqualification of appellate judges; and modifying procedures for assignment of Justices or Judges in substitution of recused or disqualified Justices or Judges.

SUBJECT: Justices and Judges

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

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

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

B. When a Justice of the Supreme Court is recused or disqualified, ~~the same shall be entered of record in such Court and such disqualifications of such member shall forthwith be certified by~~ from deciding a cause for any reason, the remainder of the Court shall decide the cause. If, during the decision of any cause, there are less than seven (7) qualified Justices, the Clerk of ~~such the~~

Court shall certify all such recusals or disqualifications to the Governor of the state, who shall appoint some member of the Bar of the state, possessing the same qualifications as the members of such Court, to sit as special Judge in said cause assign a retired Supreme Court Justice to the matter in substitution of the recused or disqualified Justices. If no retired Supreme Court Justice is able to serve, the Governor shall assign a member of the Bar of this state who possesses the same qualifications as the members of the Supreme Court to the matter in substitution of the recused or disqualified Justice.

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 along with the case number to the Governor who shall assign a retired Judge of the Court of Criminal Appeals to the matter in substitution of the recused or disqualified Judge. If no retired Judge of the Court of Criminal Appeals is able to serve, the Governor 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 member of the Bar of this state who possesses the same qualifications as the members of the Court of Criminal Appeals to the matter in substitution of the recused or disqualified Judge.

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

Presiding Officer of the Senate

Passed the House of Representatives the 28th day of April, 2022.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____