

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE
5 BILL NO. 957

By: Howard of the Senate

and

Kannady and **Lepak** of the
House

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10 An Act relating to the Judiciary; amending 20 O.S.
11 2011, Section 1402, which relates to disqualification
12 of appellate judges; modifying procedures for
13 assignment of Justices or Judges in substitution of
14 recused or disqualified Justices or Judges; and
15 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 1402, is
18 amended to read as follows:

19 Section 1402. A. No Justice of the Supreme Court of this state
20 or Judge of the Criminal Court of Appeals shall participate in the
21 decision of any appellate cause ~~in such Court appealed thereto from~~
22 ~~a lower court of said state,~~ in which ~~court~~ such the Justice or
23 Judge ~~was judge presiding~~ presided at the trial of such cause; ~~and~~
24 ~~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

1 Criminal Appeals is able to serve, the Governor shall assign a Judge
2 of the Court of Civil Appeals to the matter in substitution of the
3 recused or disqualified Judge. If no Judge of the Court of Civil
4 Appeals is able to serve, the Governor shall assign a member of the
5 Bar of this state who possesses the same qualifications as the
6 members of the Court of Criminal Appeals to the matter in
7 substitution of the recused or disqualified Judge.

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

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10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
11 03/30/2021 - DO PASS, As Coauthored.
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