

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3910

By: Pfeiffer

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6 AS INTRODUCED

7 An Act relating to courts; amending 20 O.S. 2021,
8 Section 1402, which relates to disqualification of
Justices and Judges; modifying disqualification
9 procedure for Justices and Judges; repealing 20 O.S.
2021, Sections 30.3 and 32, which relate to
10 disqualification of Judges; and providing an
effective date.

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

14 SECTION 1. AMENDATORY 20 O.S. 2021, Section 1402, is
15 amended to read as follows:

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

1 B. When a Justice of the Supreme Court is recused or
2 ~~disqualified, the same shall be entered of record in such Court and~~
3 ~~such disqualifications of such member shall forthwith be certified~~
4 ~~by~~ from deciding a cause for any reason, the remainder of the Court
5 shall decide the cause. If, during the decision of any cause, there
6 are less than seven qualified Justices, the Clerk of ~~such~~ the Court
7 shall certify all such recusals or disqualifications to the Governor
8 ~~of the state, who shall appoint some member of the Bar of the state,~~
9 ~~possessing the same qualifications as the members of such Court, to~~
10 ~~sit as special Judge in said cause~~ assign a retired Supreme Court
11 Justice to the matter in substitution of the recused or disqualified
12 Justices. If no retired Supreme Court Justice is able to serve, the
13 Governor shall assign a member of the Bar of this state who
14 possesses the same qualifications as the Justices of the Supreme
15 Court to the matter in substitution of the recused or disqualified
16 Justices.

17 C. When a Judge of the Court of Criminal Appeals is recused or
18 disqualified from deciding a cause for any reason, the Clerk of the
19 Court shall certify the recusal or disqualification along with the
20 case number to the Governor who shall assign a retired Judge of the
21 Court of Criminal Appeals to the matter in substitution of the
22 recused or disqualified Judge. If no retired Judge of the Court of
23 Criminal Appeals is able to serve, the Governor shall assign a Judge
24 of the Court of Civil Appeals to the matter in substitution of the

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

6 D. When a Judge of the Court of Civil Appeals is recused or
7 disqualified from deciding a cause for any reason, the Clerk of the
8 Court shall certify the recusal or disqualification along with the
9 case number to the Governor who shall assign a retired Judge of the
10 Court of Civil Appeals to the matter in substitution of the recused
11 or disqualified Judge. If no retired Judge of the Court of Civil
12 Appeals is able to serve, the Governor shall assign a Judge of the
13 Court of Criminal Appeals to the matter in substitution of the
14 recused or disqualified Judge. If no Judge of the Court of Criminal
15 Appeals is able to serve, the Governor shall assign a member of the
16 Bar of this state who possesses the same qualifications as the
17 members of the Court of Civil Appeals to the matter in substitution
18 of the recused or disqualified Judge.

19 SECTION 2. REPEALER 20 O.S. 2021, Sections 30.3 and 32,
20 are hereby repealed.

21 SECTION 3. This act shall become effective November 1, 2022.

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23 58-2-10190 AQH 01/03/22
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