

BILL SUMMARY
2nd Session of the 58th Legislature

Bill No.:	SB 1458
Version:	Floor Amendment 1
Request Number:	11464
Author:	Rep. Wallace
Date:	4/27/2022
Impact:	Negative revenue impact; additional need for appropriations

Research Analysis

The substitute SB 1458 transfers any funds remaining in the A.F.I.S. Fund, Forensic Science Improvement Revolving Fund, Medical Expense Liability Revolving Fund, Drug Abuse Education and Treatment Revolving Fund, and School Investigative Audit Revolving Fund into the General Revenue Fund. The measure removes the requirement that a person convicted of traffic offenses punishable by a fine of \$10 or more pay a fee of \$10. The measure removes a requirement that any person convicted of any misdemeanor or felony offense pay a Laboratory Analysis Fee of \$150. The measure removes from statute the various monthly \$40 supervision fees that can be charged by entities providing supervision of offenders. The measure removes the assessments charged against offenders that provides funds for various entities.

The measure creates the Office of Judicial Performance Evaluation and the Board of Judicial Performance Evaluation within the Council on Judicial Complaints. The purpose of the Office and the Board is to provide Justices and judges with information concerning their own performances and to conduct statewide judicial performance evaluations using uniform criteria and procedures. The Board is composed of 9 members with equal appointments by the Speaker, President Pro Tempore and the Governor. Board members are to be paid \$100 per day and travel expenses. The position of Administrator to the Office of Judicial Performance Evaluation is also created. The Office of Judicial Performance is to train Board members, collect and disseminate data on judicial performance evaluations and perform other tasks as directed by the Board. Each Justice and judge in Oklahoma is to be evaluated on integrity, legal knowledge, communication skills, judicial temperament, administrative performance, and service to the legal profession and the public. The Office is to conduct an initial evaluation of each Justice and judge within the first 2 years of appointment or election to the bench. The measure requires election-year evaluations for each Justice or judge whose term is to expire and who must stand for reelection or retention. The measure allows for the recommendation of an improvement plan for judges by the Office. A Board member or employee of the Office is required to disclose any professional or personal relationship with a Justice or judge. Except as provided, all performance evaluations, personal information, oral or written information, improvement plans, recommendations and any matter discussed by the Board concerning a performance evaluation or improvement plan is confidential. The Board is to promulgate rules to facilitate its operation.

The measure repeals [19 O.S. 2021, Section 339.7](#)
The measure repeals [20 O.S. 2021, Section 1313.3](#)
The measure repeals [20 O.S. 2021, Section 1313.4](#)
The measure repeals [20 O.S. 2021, Section 1313.7](#)
The measure repeals [47 O.S. 2021, Section 11-403.1](#)
The measure repeals [63 O.S. 2021, Section 2-503.2](#)
The measure repeals [70 O.S. 2021, Section 18-118.1](#)

Prepared By: Brad Wolgamott

Fiscal Analysis

The first floor amendment to the measure is a floor substitute. The amendment would keep all sections appearing in the engrossed version, but would add sections that would create the Office of Judicial Performance Evaluation and the Board of Judicial Performance Evaluation.

Upon review, the first floor amendment would modify the fiscal impact of the previous version. Sections 1-15, and sections 26-30, which would eliminate certain fees assessed in criminal cases, would have a negative revenue impact of approximately \$9,283,748. This amount is based on a five-year average of collections for the affected fees.

Sections 16-25 of the first floor amendment would require additional appropriations to implement. The creation of the Office of Judicial Performance Evaluation and the Board of Judicial Performance Evaluation would require additional state expenditures of approximately \$1,385,000, with \$200,000 of that amount being one-time costs and the remainder being recurring annual costs.

Prepared By: Clayton Mayfield

Other Considerations

None.