

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 1088

6 By: Prieto

7 COMMITTEE SUBSTITUTE

8 An Act relating to courts; amending 20 O.S. 2021,  
9 Sections 1651, 1656, 1658, and 1659, which relate to  
10 the Council on Judicial Complaints; modifying certain  
11 statement of public policy; removing quarterly  
12 reporting requirement; authorizing Council to employ  
13 attorney; modifying certain penalty; authorizing  
14 filing of certain petition; requiring notice to  
15 certain parties of certain complaints; requiring  
16 Council to forward certain information to Supreme  
17 Court; clarifying manner to conduct certain  
18 proceedings; updating statutory references; updating  
19 statutory language; providing for confidentiality of  
20 certain records; requiring maintenance of certain  
21 complaint docket; specifying information to be  
22 included on docket; requiring publication of certain  
23 docket; providing certain confidentiality exceptions;  
24 requiring annual report to certain officials by  
certain date; requiring publication of report on  
website; prohibiting inclusion of certain identifying  
information; providing exceptions; specifying  
contents of report; providing for codification; and  
providing an effective date.

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

SECTION 1. AMENDATORY 20 O.S. 2021, Section 1651, is  
amended to read as follows:

1 Section 1651. It is hereby declared to be the public policy of  
2 this state:

3 1. To afford a means for efficiently and impartially  
4 investigating complaints by any person concerning the conduct of  
5 persons occupying positions subject to the jurisdiction of the Court  
6 on the Judiciary;

7 2. To provide an agency which can determine whether such  
8 complaints should:

9 a. be made the subject of action before the Court on the  
10 Judiciary for the purpose of removal, ~~reprimand, or~~  
11 ~~admonition,~~ or compulsory retirement,

12 b. be made the subject of action before the Supreme Court  
13 for the purpose of imposing discipline other than  
14 removal or compulsory retirement,

15 c. be dismissed with a letter of caution or warning,

16 d. be forwarded to the Oklahoma State Bureau of  
17 Investigation to investigate allegations of wrongdoing  
18 under the laws of this state, or

19 e. be dismissed;

20 3. To provide means for procuring necessary information to  
21 enable the agency to perform its functions, including the power to  
22 issue and enforce subpoenas to testify or to produce tangible  
23 evidentiary materials; and  
24

1 4. To better the administration of justice in this state  
2 through the means enumerated in Sections 1651 through ~~1662~~ 1663 of  
3 this title.

4 SECTION 2. AMENDATORY 20 O.S. 2021, Section 1656, is  
5 amended to read as follows:

6 Section 1656. A. The members of the Council on Judicial  
7 Complaints shall qualify by taking the constitutional oath of  
8 office.

9 B. The Council shall elect a chair and ~~vice-chair~~ vice chair.  
10 The chair and ~~vice-chair~~ vice chair shall serve for terms of office  
11 set by the Council, not to exceed their terms as members of the  
12 Council.

13 C. The Council shall adopt rules pursuant to the Administrative  
14 Procedures Act.

15 ~~D. The Council shall provide to the President Pro Tempore of~~  
16 ~~the Senate and the Speaker of the House of Representatives quarterly~~  
17 ~~reports of the number of judicial complaints filed, dismissed, and~~  
18 ~~referred for further disciplinary action.~~

19 SECTION 3. AMENDATORY 20 O.S. 2021, Section 1658, is  
20 amended to read as follows:

21 Section 1658. A. The Council on Judicial Complaints shall  
22 promptly investigate all complaints received by it, and shall  
23 determine the proper disposition thereof, as provided in Sections  
24 1651 through ~~1661~~ 1663 of this title.

1 B. The Council shall have power to hold hearings, administer  
2 oaths or affirmations, receive testimony and other evidence, and  
3 issue and serve or cause to be served subpoenas requiring testimony  
4 or the production of books, records, papers or other tangible  
5 evidence.

6 C. 1. Subject to funding limitations provided by law, the  
7 Council, as needed, may retain, by contract, a court reporter and,  
8 as needed, may employ or retain an attorney by contract with either  
9 the Office of the Attorney General or other counsel.

10 2. No person acting as counsel to the Council on Judicial  
11 Complaints shall be eligible for election or appointment to the  
12 Judicial Nominating Commission during the term of his or her  
13 employment or contract for services.

14 D. The Council is hereby authorized to require in aid of its  
15 investigatory functions the services of the Oklahoma State Bureau of  
16 Investigation as provided for in Section 150.34 of Title 74 of the  
17 Oklahoma Statutes or of any governmentally supported investigatory  
18 agency or, upon authorization of the Board of Governors of the  
19 Oklahoma Bar Association, of the services of the Oklahoma Bar  
20 Association.

21 E. In the event of contemptuous refusal to obey its lawful  
22 orders, the Council may take steps necessary to maintain order in  
23 its session; as to contempts not affecting the maintenance of order,  
24 it shall certify the matter to the Chief Justice of the Supreme

1 Court, which shall assign the case for trial and appropriate  
2 disposition to a judge of a district court. In a contempt  
3 proceeding in district court, the counsel for the Council on  
4 Judicial Complaints shall act as prosecutor against the alleged  
5 contemnor.

6 F. 1. All proceedings under this section shall be held in  
7 secrecy to the same extent as proceedings before a grand jury.

8 2. A complainant or a witness appearing before the Council who  
9 reveals or causes to be revealed to the public any information about  
10 a proposed or pending judicial complaint shall be subject to ~~a fine~~  
11 ~~not to exceed One Thousand Dollars (\$1,000.00)~~ contempt proceedings  
12 before the district court upon certification of the matter to the  
13 Chief Justice of the Supreme Court. The Council on Judicial  
14 Complaints shall promulgate rules pursuant to the Administrative  
15 Procedures Act governing proceedings under this subsection.

16 3. ~~In addition to the fine provided for in paragraph 2 of this~~  
17 ~~subsection, any~~ Any judicial officer who reveals or causes to be  
18 revealed any information about a proposed or pending judicial  
19 complaint shall be subject to public reprimand by the Court on the  
20 Judiciary.

21 SECTION 4. AMENDATORY 20 O.S. 2021, Section 1659, is  
22 amended to read as follows:

23  
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1 Section 1659. A. In the event the Council on Judicial  
2 Complaints finds that the complaint should be made the subject of  
3 proceedings before the Court on the Judiciary, it shall ~~forward:~~

4 1. Forward all papers concerning the ~~same~~ complaint, together  
5 with its findings, to either the Supreme Court or the Chief Justice  
6 thereof, the Governor, the Attorney General, the Executive Secretary  
7 of the Oklahoma Bar Association, or the House of Representatives,  
8 who ~~shall promptly~~ may file a petition invoking the jurisdiction of  
9 the trial division of the Court on the Judiciary in accordance with  
10 subsection (a) of Section 4 of Article ~~7-A~~ VII-A of the Oklahoma  
11 Constitution of Oklahoma; provided, however, filing by the Executive  
12 Secretary of the Oklahoma Bar Association shall be at the direction  
13 of the majority of the members of the Executive Council or by  
14 resolution of the House of Delegates of the Oklahoma Bar  
15 Association; and

16 2. Provide notice of its findings, conclusions, and  
17 recommendations that the complaint should be the subject of  
18 proceedings before the Court on the Judiciary to the Secretary of  
19 State and to those individuals or bodies with authority to invoke  
20 the jurisdiction of the Court on the Judiciary, as described in  
21 Section 4 of Article VII-A of the Oklahoma Constitution.

22 Thereafter, the matter shall proceed in accordance with the  
23 applicable constitutional provisions, statutes, and rules of the  
24 Court on the Judiciary.

1        B. In the event the Council on Judicial Complaints finds that  
2 the complaint should be made the subject of proceedings before the  
3 Supreme Court for discipline less than removal or compulsory  
4 retirement, the Council shall forward all papers concerning the  
5 complaint, together with its findings, to the Supreme Court for  
6 review and possible discipline. The matter shall proceed in  
7 accordance with the Rules Governing Complaints on Judicial  
8 Misconduct, Appendix 4-A of Title 5 of the Oklahoma Statutes.

9        SECTION 5.        NEW LAW        A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1664 of Title 20, unless there  
11 is created a duplication in numbering, reads as follows:

12        A. All records of the Council on Judicial Complaints relating  
13 to judicial complaints and the investigation and disposition thereof  
14 shall be kept confidential and not open to public inspection;  
15 provided, however:

16        1. The Administrative Director to the Council on Judicial  
17 Complaints shall maintain a docket of all complaints filed for which  
18 a final disposition has been made by the Council on Judicial  
19 Complaints by majority vote. The docket shall be a permanent and  
20 searchable record and shall be made available on the Council's  
21 website within thirty (30) days of the final disposition of a  
22 complaint. The docket shall detail an identification number, the  
23 nature of litigation giving rise to the complaint, the primary  
24 subject of the complaint, and the legal basis for the final

1 disposition of the complaint. Except as otherwise provided in this  
2 section, the docket shall not contain any identifying information  
3 relative to the complainant or respondent judge; and

4 2. In the event the Council's final disposition of a complaint  
5 results in submission of findings pursuant to Section 1659 of Title  
6 20 of the Oklahoma Statutes with a recommendation that is not a  
7 private reprimand, the docket shall include the identity of the  
8 respondent judge, a brief summary of the alleged misconduct, and the  
9 Council's recommendation.

10 B. 1. Not later than February 28 of each year, the Council  
11 shall submit to the President Pro Tempore of the Senate, the Speaker  
12 of the House of Representatives, the Governor, the Lieutenant  
13 Governor, the Secretary of State, and the Chief Justice of the  
14 Supreme Court an electronic report for the preceding calendar year  
15 ending December 31. The report shall be posted on the Council's  
16 public website in a searchable format. Other than the information  
17 included in the report pursuant to divisions 5 and 6 of subparagraph  
18 b of paragraph 2 of this subsection, the report shall not include  
19 any identifying information relative to the complainant or the  
20 respondent judge.

21 2. The report shall include:

- 22 a. an explanation of the role of the Council, and
- 23 b. annual statistical information for the preceding  
24 calendar year including:



- (1) the number of complaints received by the Council, the nature of the litigation giving rise to the complaints, and the primary subject of the complaints,
- (2) the number of complaints dismissed, the legal basis for the dismissal, and the number of complaints that remain pending,
- (3) a list of complaints dismissed with a letter of caution or warning to the judge and brief summary of the alleged misconduct,
- (4) a list of complaints referred to the Supreme Court pursuant to Section 1659 of Title 20 of the Oklahoma Statutes with a recommendation of a private reprimand and a brief summary of the alleged misconduct,
- (5) a list of complaints referred to the Supreme Court pursuant to Section 1659 of Title 20 of the Oklahoma Statutes with a recommendation other than a private reprimand, the identity of the respondent judge, a brief summary of the alleged misconduct, and the Council's recommendation,
- (6) a list of complaints referred to any of the bodies or officials enumerated in Article VII-A of the Oklahoma Constitution with a

1 recommendation of removal proceedings or  
2 compulsory retirement proceedings before the  
3 Court on the Judiciary, the identity of the  
4 respondent judge, a brief summary of the alleged  
5 misconduct, and the Council's recommendation,

6 (7) the number of complaints for which a response was  
7 sought from the judge that ultimately resulted in  
8 a dismissal,

9 (8) an explanation of the Council's processes, and

10 (9) any additional public information deemed relevant  
11 by the Council for inclusion in the annual  
12 report.

13 SECTION 6. This act shall become effective November 1, 2025.

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