

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1088

By: Prieto

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6 AS INTRODUCED

7 An Act relating to courts; amending 20 O.S. 2021,
8 Sections 1656 and 1659, which relates to the Council
9 on Judicial Complaints; removing quarterly reporting
10 requirement; requiring notice to certain parties of
11 certain complaints; requiring publication of certain
12 petitions; providing for confidentiality of certain
13 records under certain circumstances; requiring
14 maintenance of certain complaint docket; requiring
15 redaction of certain information; requiring annual
16 report to certain officials by certain date;
17 specifying contents of report; providing for
18 codification; and providing an effective date.

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

20 SECTION 1. AMENDATORY 20 O.S. 2021, Section 1656, is
21 amended to read as follows:

22 Section 1656. A. The members of the Council on Judicial
23 Complaints shall qualify by taking the constitutional oath of
24 office.

25 B. The Council shall elect a chair and vice-chair. The chair
26 and vice-chair shall serve for terms of office set by the Council,
27 not to exceed their terms as members of the Council.

1 C. The Council shall adopt rules pursuant to the Administrative
2 Procedures Act.

3 ~~D. The Council shall provide to the President Pro Tempore of~~
4 ~~the Senate and the Speaker of the House of Representatives quarterly~~
5 ~~reports of the number of judicial complaints filed, dismissed, and~~
6 ~~referred for further disciplinary action.~~

7 SECTION 2. AMENDATORY 20 O.S. 2021, Section 1659, is
8 amended to read as follows:

9 Section 1659. In the event the Council on Judicial Complaints
10 finds that the complaint should be made the subject of proceedings
11 before the Court on the Judiciary, it shall ~~forward~~:

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

23 2. Provide notice of its recommendation, that the complaint
24 should be the subject of proceedings before the Court on the

1 Judiciary, to those individuals or bodies with authority to invoke
2 the jurisdiction of the Court on the Judiciary, as described in
3 Section 4 of Article VII-A of the Oklahoma Constitution.

4 Thereafter, the matter shall proceed in accordance with the
5 applicable constitutional provisions, statutes, and rules of the
6 Court on the Judiciary.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1664 of Title 20, unless there
9 is created a duplication in numbering, reads as follows:

10 A. All records relating to judicial complaints and the
11 investigation and disposition thereof shall be kept confidential and
12 not open to public inspection, until such time as a petition
13 invoking the jurisdiction of the Court on the Judiciary is filed;
14 provided, however:

15 1. Files of investigations shall not be subject to disclosure
16 if such files would not be discoverable under state law, are
17 protected by evidentiary privilege, contain the record of a lawfully
18 constituted executive session, or contain the notes or personally
19 created materials otherwise exempt from disclosure or discovery
20 under the laws of this state; and

21 2. Transcripts of proceedings of the Council on Judicial
22 Complaints relating to a complaint and the investigation and
23 disposition thereof shall not be available to any person or entity,
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1 unless filed with a petition for discipline before the Court on the
2 Judiciary.

3 B. A docket listing of all complaints filed and action taken
4 thereon shall be maintained by the Administrative Director to the
5 Council on Judicial Complaints. The docket shall be a permanent
6 record, and shall be subject to the provisions of the Oklahoma Open
7 Records Act; provided, any information identifying the complainant,
8 the respondent, and any witnesses shall be redacted when making the
9 docket public in cases in which the complaint was dismissed without
10 Council action, other than complaints dismissed because:

11 1. The evidence did not support the allegation or appearance of
12 judicial misconduct or disability;

13 2. The facts alleged did not constitute judicial misconduct or
14 disability; or

15 3. The allegation or appearance of judicial misconduct or
16 disability was determined to be unfounded or frivolous.

17 C. 1. Not later than December 1 of each year, the Council
18 shall submit to the President Pro Tempore of the State Senate, the
19 Speaker of the House of Representatives, the Governor, and the
20 Lieutenant Governor, an electronic report for the preceding fiscal
21 year ending June 30. The report shall be posted on the Council's
22 public website in a searchable format.

23 2. The report shall include:

24 a. an explanation of the role of the Council,

1 b. annual statistical information for the preceding
2 fiscal year including:

3 (1) the number of complaints received by the Council
4 alleging judicial misconduct or disability,

5 (2) the number of complaints dismissed without
6 Council action, other than complaints dismissed
7 because the evidence did not support the
8 allegation or appearance of judicial misconduct
9 or disability,

10 (3) the number of complaints dismissed without
11 Council action, other than complaints dismissed
12 because the facts alleged did not constitute
13 judicial misconduct or disability,

14 (4) the number of complaints dismissed without
15 Council action, other than complaints dismissed
16 because the allegation or appearance of judicial
17 misconduct or disability was determined to be
18 unfounded or frivolous,

19 (5) the number of each type of judicial misconduct or
20 disability that resulted in sanction or censure
21 of a judge,

22 (6) examples of improper judicial conduct,

23 (7) an explanation of the Council's processes, and
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1 (8) changes the Council considers necessary in its
2 rules or the applicable statutes or
3 constitutional provisions.

4 3. The report shall be considered a public record and shall be
5 subject to the provisions of the Oklahoma Open Records Act.

6 SECTION 4. This act shall become effective November 1, 2025.

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