

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 2089

By: Standridge

AS INTRODUCED

An Act relating to cities and towns; amending 11 O.S. 2021, Sections 28-101 and 28-102, which relate to municipal criminal courts of record; requiring certain cities operate a court of record; increasing the penalties courts of record are allowed to impose; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2021, Section 28-101, is amended to read as follows:

Section 28-101. ~~A.~~ In cities having a population of more than sixty-five thousand (65,000) inhabitants, as determined by the latest federal census, there is hereby created a "Municipal Criminal Court of Record of the City of \_\_\_\_\_", subject to the restrictions of subsection B of this section. References in Sections 28-101 through 28-128 of this title to the municipal criminal court of record shall mean the courts established by the provisions of this article in cities over sixty-five thousand (65,000) population.

1       ~~B. Before a municipal criminal court of record not in existence~~  
2 ~~before November 1, 2004, may be created, the municipal governing~~  
3 ~~body shall determine by resolution that the efficient disposition of~~  
4 ~~cases involving the violation of municipal ordinances necessitates~~  
5 ~~creating a court of record. If such a resolution is not adopted,~~  
6 ~~the criminal court of the municipality shall remain a court not of~~  
7 ~~record. The governing body shall cause a certified copy of the~~  
8 ~~resolution to be filed in the office of the county clerk of each~~  
9 ~~county in which the municipality is located. The resolution and the~~  
10 ~~filing thereof shall be judicially noticed in all courts of this~~  
11 ~~state. The provisions of this subsection shall not apply to any~~  
12 ~~municipal criminal court of record created prior to November 1,~~  
13 ~~2004, and such courts shall have all the powers and duties~~  
14 ~~heretofore provided for such courts.~~

15       SECTION 2.       AMENDATORY       11 O.S. 2021, Section 28-102, is  
16 amended to read as follows:

17       Section 28-102. A. The municipal criminal courts of record  
18 shall have original jurisdiction to hear and determine all  
19 prosecutions when a violation of any of the ordinances of the city  
20 where the court is established is charged, as provided by Article  
21 VII, Section 1 of the Oklahoma Constitution.

22       B. In cases when the penalty provided for the violation of an  
23 ordinance is a fine in the amount of more than Five Hundred Dollars  
24 (\$500.00), excluding court costs, or by imprisonment, or by both

1 such fine and imprisonment, all persons charged before such  
2 municipal criminal court of record shall be entitled to a trial by  
3 jury, unless waived by the defendant. Judgment and sentence imposed  
4 by the judge shall be as effective as if the same had been rendered  
5 and imposed by a jury.

6 C. The maximum punishment that may be levied in any municipal  
7 criminal court of record is a fine not exceeding ~~One Thousand Two~~  
8 ~~Hundred Dollars (\$1,200.00)~~ One Thousand Five Hundred Dollars  
9 (\$1,500.00) and costs, an imprisonment not to exceed ~~six (6) months~~  
10 one (1) year, or both such fine and imprisonment. Provided, the  
11 maximum punishment that may be levied in any municipal criminal  
12 court of record for violations of municipal traffic ordinances not  
13 including ordinances relating to driving a motor vehicle under the  
14 influence of alcohol or drugs is a fine not exceeding One Thousand  
15 Two Hundred Fifty Dollars (\$1,250.00) and costs, an imprisonment not  
16 to exceed ninety (90) days, or both such fine and imprisonment. If  
17 a fine exceeding Seven Hundred Fifty Dollars (\$750.00) is imposed  
18 for an alcohol-related or drug-related traffic offense, the amount  
19 in excess of Seven Hundred Fifty Dollars (\$750.00) shall be used to  
20 defray costs for enforcement of laws relating to juvenile access to  
21 alcohol, other laws relating to alcohol and other intoxicating  
22 substances, and traffic-related offenses involving alcohol or other  
23 intoxicating substances. Provided, further that any municipal  
24 criminal court of record may levy a fine not to exceed One Thousand

1 Dollars (\$1,000.00) and costs, an imprisonment not to exceed six (6)  
2 months, or both such fine and imprisonment for violations of  
3 municipal ordinances regulating the pretreatment of wastewater and  
4 regulating stormwater discharges. Provided, further, that for  
5 violations of municipal ordinances relating to prostitution,  
6 including but not limited to engaging in prostitution or soliciting  
7 or procuring prostitution, any municipal criminal court of record in  
8 cities with more than two hundred thousand (200,000) in population  
9 may levy an imprisonment not to exceed six (6) months, and fines as  
10 follows: a fine not to exceed Two Thousand Five Hundred Dollars  
11 (\$2,500.00) upon the first conviction for violation of any such  
12 ordinances, a fine of not more than Five Thousand Dollars  
13 (\$5,000.00) upon the second conviction for violation of any of such  
14 ordinances, and a fine of not more than Seven Thousand Five Hundred  
15 Dollars (\$7,500.00) upon the third or subsequent convictions for  
16 violation of any of such ordinances, or both such fine and  
17 imprisonment, as well as a term of community service of not less  
18 than forty (40) nor more than eighty (80) hours. If imprisonment is  
19 available for the offense, then that person charged shall have a  
20 right to a jury trial.

21 D. A defendant who has been in jeopardy for the same or any  
22 lesser included offense in the municipal criminal court of record or  
23 district court shall not be prosecuted in any other court for the  
24 same or a lesser included offense.

SECTION 3. This act shall become effective November 1, 2026.

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