STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1812 By: Daniels

AS INTRODUCED

An Act relating to the Judiciary; amending 20 O.S. 2011, Section 1402, which relates to disqualification of appellate judges; modifying procedures for assignment of Justices or Judges in substitution of recused or disqualified Justices or Judges; and declaring an emergency.

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

SECTION 1. AMENDATORY 20 O.S. 2011, Section 1402, is amended to read as follows:

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

B. When a Justice of the Supreme Court is recused or disqualified~~, the same shall be entered of record in such Court and~~

~~such disqualifications of such member shall forthwith be certified by~~ from deciding a cause for any reason, the Clerk of ~~such~~ the Court shall certify the recusal or disqualification to the Governor ~~of the state,~~ who shall ~~appoint some member of the Bar of the state, possessing the same qualifications as the members of such Court, to sit as special Judge in said cause~~ assign a Judge of the Court of Civil Appeals to the matter in substitution of the recused or disqualified Justice. If no Judge of the Court of Civil Appeals is able to serve, the Governor shall assign a Judge of the Court of Criminal Appeals to the matter in substitution of the recused or disqualified Justice.

C. When a Judge of the Court of Criminal Appeals is recused or disqualified from deciding a cause for any reason, the Clerk of the Court shall certify the recusal or disqualification to the Governor who shall assign a Justice of the Supreme Court to the matter in substitution of the recused or disqualified Judge. If no Justice of the Supreme Court is able to serve, the Governor shall assign a Judge of the Court of Civil Appeals to the matter in substitution of the recused or disqualified Judge.

SECTION 2. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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