An Act

ENROLLED SENATE
BILL NO. 111

By: Jolley of the Senate

and

O'Donnell of the House

An Act relating to municipal courts not of record; amending 11 O.S. 2011, Section 27-129, which relates to appeals; increasing certain threshold for jury trial; and providing an effective date.

SUBJECT: Municipal courts not of record

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

SECTION 1. AMENDATORY 11 O.S. 2011, Section 27-129, is amended to read as follows:

Section 27-129. A. An appeal may be taken from a final judgment of the municipal court by the defendant by filing in the district court in the county where the situs of the municipal government is located, within ten (10) days from the date of the final judgment, a notice of appeal and by filing a copy of the notice with the municipal court. In case of an appeal, a trial de novo shall be had, and there shall be a right to a jury trial if the sentence imposed for the offense was a fine of more than ~~Two Hundred Dollars ($200.00) and~~ Five Hundred Dollars ($500.00), plus costs, fees, and assessments.

B. Upon conviction, at the request of the defendant, or upon notice of appeal being filed, the judge of the municipal court shall enter an order on the docket fixing an amount in which bond may be given by the defendant, in cash or sureties for cash in an amount of not less than One Hundred Dollars ($100.00) nor more than twice the amount of such fine. Bond shall be taken by the clerk of the court

wherein judgment was rendered. Any pledge of sureties must be approved by a judge of the court.

C. Upon appeal being filed the judge shall within ten (10) days thereafter certify to the clerk of the appellate court the original papers in the case. If the papers have not been certified to the appellate court, the prosecuting attorney shall take the necessary steps to have the papers certified to the appellate court within twenty (20) days of the filing of the notice of appeal, and failure to do so, except for good cause shown, shall be grounds for dismissal of the charge by the appellate court, the cost to be taxed to the municipality. The certificate shall state whether or not the municipal judge hearing the case was a licensed attorney in Oklahoma.

D. All proceedings necessary to carry the judgment into effect shall be had in the appellate court.

SECTION 2. This act shall become effective November 1, 2015.

Passed the Senate the 9th day of March, 2015.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of March, 2015.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 25th day of March, 2015, at 3:24 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 31st day of March, 2015, at 4:09 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 31st day of March, 2015, at 4:15 o'clock P. M.

By: C. Berge