

ENROLLED SENATE JOINT RESOLUTION NUMBER 17  
ENACTED BY THE FIRST REGULAR SESSION OF THE  
42ND LEGISLATURE OF THE STATE OF OKLAHOMA  
NUMBERED BY THE SECRETARY OF STATE

LEGISLATIVE REFERENDUM NUMBER 277

STATE QUESTION NUMBER 623

RECEIVED: April 25, 1989

# Resolution

ENROLLED SENATE  
JOINT  
RESOLUTION NO. 17

BY: SMITH of the SENATE

and

STEIDLEY of the HOUSE

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION A PROPOSED AMENDMENT TO SECTION 19 OF ARTICLE II OF THE CONSTITUTION OF THE STATE OF OKLAHOMA; INCREASING THE DOLLAR AMOUNTS FOR WHICH A CIVIL OR CRIMINAL JURY TRIAL MAY BE REQUESTED; MODIFYING THE NUMBER OF JURORS ON JURIES, ALLOWING JURIES IN CERTAIN CASES TO RETURN VERDICTS WHICH ARE NOT UNANIMOUS; PROVIDING BALLOT TITLE; AND DIRECTING FILING:

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 42ND OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 19 of Article II of the Constitution of the State of Oklahoma to read as follows:

Section 19. The right of trial by jury shall be and remain inviolate, except in civil cases wherein the amount in controversy does not exceed ~~One Hundred Dollars (\$100.00)~~ One Thousand Five Hundred Dollars (\$1,500.00), or in criminal cases wherein punishment for the offense charged is by fine only, not exceeding ~~One Hundred Dollars (\$100.00)~~ One Thousand Five Hundred Dollars (\$1,500.00). Provided, however, that the Legislature may provide for jury trial in cases involving lesser amounts. ~~Juries for the trial of civil and criminal cases shall consist of twelve (12) persons, but in the trial of misdemeanors, proceedings for the violation of ordinances or regulations of cities and towns, juvenile proceedings, actions for forcible entry and detainer, or detention only, of real property and collection of rents therefor, and civil cases concerning causes of action involving less than Twenty-five Hundred Dollars (\$2,500.00), juries shall consist of six (6) persons. In civil cases, and in criminal cases less than felonies, three-fourths (3/4) of the whole number of jurors concurring shall have power to render a verdict. In all other cases the entire number of jurors must concur to render a verdict. In case a verdict is rendered by less than the whole number of jurors, the verdict shall be in writing and signed by each juror concurring therein.~~ Juries for the trial of civil cases, involving more than Ten Thousand Dollars (\$10,000.00), and felony criminal cases shall consist of twelve (12) persons. All other juries shall consist of six (6) persons. However, in all cases the parties may agree on a lesser number of jurors than provided herein.

In all criminal cases where imprisonment for more than six (6) months is authorized the entire number of jurors must concur to render a verdict. In all other cases three-fourths (3/4) of the whole number of jurors concurring shall have power to render a

verdict. When a verdict is rendered by less than the whole number of jurors, the verdict shall be signed by each juror concurring therein.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. \_\_\_\_\_

State Question No. \_\_\_\_\_

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends Section 19 of Article II of the State Constitution. Presently, jury trials are allowed for civil cases involving \$100.00 or more and for criminal cases with fines of \$100.00 or more. This measure would raise the requirement to more than \$1,500.00 for both civil cases and criminal cases. Presently six person juries are allowed only in some civil cases involving less than \$2,500.00. This measure would require 12 person juries in civil trials involving more than \$10,000.00 and for all felony trials. Other trials would require six person juries. The parties could agree to smaller juries in any case. Presently, unanimous jury verdicts are required only in felony trials. This measure would require unanimous verdicts only in criminal cases with punishment exceeding six months in jail. Only 3/4 verdicts would be required in other cases.

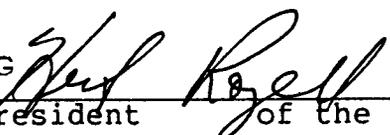
SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the Senate the 15th day of March, 1989.

ACTING   
President of the Senate

Passed the House of Representatives the 24th day of April, 1989.

  
Speaker PRO TEMPORE of the House of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this \_\_\_\_\_

25<sup>th</sup> day of April, 1989,

at 3:17 o'clock P.M.

Hannah D. Atkins

By: \_\_\_\_\_