

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
FOR
4 SENATE BILL 1088

By: Prieto

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7 COMMITTEE SUBSTITUTE

8 An Act relating to courts; amending 20 O.S. 2021,
9 Sections 1651, 1656, 1658, and 1659, which relate to
the Council on Judicial Complaints; modifying certain
statement of public policy; removing quarterly
reporting requirement; authorizing Council to employ
attorney; modifying certain penalty; authorizing
filing of certain petition; requiring notice to
certain parties of certain complaints; requiring
Council to forward certain information to Supreme
Court; clarifying manner to conduct certain
proceedings; updating statutory references; updating
statutory language; providing for confidentiality of
certain records; requiring maintenance of certain
complaint docket; specifying information to be
included on docket; requiring publication of certain
docket; providing certain confidentiality exceptions;
requiring annual report to certain officials by
certain date; requiring publication of report on
website; prohibiting inclusion of certain identifying
information; providing exceptions; specifying
contents of report; providing for codification; and
providing an effective date.

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

22 SECTION 1. AMENDATORY 20 O.S. 2021, Section 1651, is
23 amended to read as follows:

1 Section 1651. It is hereby declared to be the public policy of
2 this state:

3 1. To afford a means for efficiently and impartially
4 investigating complaints by any person concerning the conduct of
5 persons occupying positions subject to the jurisdiction of the Court
6 on the Judiciary;

7 2. To provide an agency which can determine whether such
8 complaints should:

9 a. be made the subject of action before the Court on the
10 Judiciary for the purpose of removal, ~~reprimand, or~~
11 ~~admonition, or compulsory retirement,~~

12 b. be made the subject of action before the Supreme Court
13 for the purpose of imposing discipline other than
14 removal or compulsory retirement,

15 c. be dismissed with a letter of caution or warning,

16 d. be forwarded to the Oklahoma State Bureau of
17 Investigation to investigate allegations of wrongdoing
18 under the laws of this state, or

19 e. be dismissed;

20 3. To provide means for procuring necessary information to
21 enable the agency to perform its functions, including the power to
22 issue and enforce subpoenas to testify or to produce tangible
23 evidentiary materials; and

1 4. To better the administration of justice in this state
2 through the means enumerated in Sections 1651 through ~~1662~~ 1663 of
3 this title.

4 SECTION 2. AMENDATORY 20 O.S. 2021, Section 1656, is
5 amended to read as follows:

6 Section 1656. A. The members of the Council on Judicial
7 Complaints shall qualify by taking the constitutional oath of
8 office.

9 B. The Council shall elect a chair and ~~vice-chair~~ vice chair.
10 The chair and ~~vice-chair~~ vice chair shall serve for terms of office
11 set by the Council, not to exceed their terms as members of the
12 Council.

13 C. The Council shall adopt rules pursuant to the Administrative
14 Procedures Act.

15 D. ~~The Council shall provide to the President Pro Tempore of~~
16 ~~the Senate and the Speaker of the House of Representatives quarterly~~
17 ~~reports of the number of judicial complaints filed, dismissed, and~~
18 ~~referred for further disciplinary action.~~

19 SECTION 3. AMENDATORY 20 O.S. 2021, Section 1658, is
20 amended to read as follows:

21 Section 1658. A. The Council on Judicial Complaints shall
22 promptly investigate all complaints received by it, and shall
23 determine the proper disposition thereof, as provided in Sections
24 1651 through ~~1661~~ 1663 of this title.

1 B. The Council shall have power to hold hearings, administer
2 oaths or affirmations, receive testimony and other evidence, and
3 issue and serve or cause to be served subpoenas requiring testimony
4 or the production of books, records, papers or other tangible
5 evidence.

6 C. 1. Subject to funding limitations provided by law, the
7 Council, as needed, may retain, by contract, a court reporter and,
8 as needed, may employ or retain an attorney by contract with either
9 the Office of the Attorney General or other counsel.

10 2. No person acting as counsel to the Council on Judicial
11 Complaints shall be eligible for election or appointment to the
12 Judicial Nominating Commission during the term of his or her
13 employment or contract for services.

14 D. The Council is hereby authorized to require in aid of its
15 investigatory functions the services of the Oklahoma State Bureau of
16 Investigation as provided for in Section 150.34 of Title 74 of the
17 Oklahoma Statutes or of any governmentally supported investigatory
18 agency or, upon authorization of the Board of Governors of the
19 Oklahoma Bar Association, of the services of the Oklahoma Bar
20 Association.

21 E. In the event of contemptuous refusal to obey its lawful
22 orders, the Council may take steps necessary to maintain order in
23 its session; as to contempts not affecting the maintenance of order,
24 it shall certify the matter to the Chief Justice of the Supreme

1 Court, which shall assign the case for trial and appropriate
2 disposition to a judge of a district court. In a contempt
3 proceeding in district court, the counsel for the Council on
4 Judicial Complaints shall act as prosecutor against the alleged
5 contemnor.

6 F. 1. All proceedings under this section shall be held in
7 secrecy to the same extent as proceedings before a grand jury.

8 2. A complainant or a witness appearing before the Council who
9 reveals or causes to be revealed to the public any information about
10 a proposed or pending judicial complaint shall be subject to ~~a fine~~
11 ~~not to exceed One Thousand Dollars (\$1,000.00)~~ contempt proceedings
12 before the district court upon certification of the matter to the
13 Chief Justice of the Supreme Court. The Council on Judicial
14 Complaints shall promulgate rules pursuant to the Administrative
15 Procedures Act governing proceedings under this subsection.

16 3. ~~In addition to the fine provided for in paragraph 2 of this~~
17 ~~subsection, any~~ Any judicial officer who reveals or causes to be
18 revealed any information about a proposed or pending judicial
19 complaint shall be subject to public reprimand by the Court on the
20 Judiciary.

21 SECTION 4. AMENDATORY 20 O.S. 2021, Section 1659, is
22 amended to read as follows:

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

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

16 2. Provide notice of its findings, conclusions, and
17 recommendations that the complaint should be the subject of
18 proceedings before the Court on the Judiciary to the Secretary of
19 State and to those individuals or bodies with authority to invoke
20 the jurisdiction of the Court on the Judiciary, as described in
21 Section 4 of Article VII-A of the Oklahoma Constitution.

22 Thereafter, the matter shall proceed in accordance with the
23 applicable constitutional provisions, statutes, and rules of the
24 Court on the Judiciary.

1 B. In the event the Council on Judicial Complaints finds that
2 the complaint should be made the subject of proceedings before the
3 Supreme Court for discipline less than removal or compulsory
4 retirement, the Council shall forward all papers concerning the
5 complaint, together with its findings, to the Supreme Court for
6 review and possible discipline. The matter shall proceed in
7 accordance with the Rules Governing Complaints on Judicial
8 Misconduct, Appendix 4-A of Title 5 of the Oklahoma Statutes.

9 SECTION 5. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1664 of Title 20, unless there
11 is created a duplication in numbering, reads as follows:

12 A. All records of the Council on Judicial Complaints relating
13 to judicial complaints and the investigation and disposition thereof
14 shall be kept confidential and not open to public inspection;
15 provided, however:

16 1. The Administrative Director to the Council on Judicial
17 Complaints shall maintain a docket of all complaints filed for which
18 a final disposition has been made by the Council on Judicial
19 Complaints by majority vote. The docket shall be a permanent and
20 searchable record and shall be made available on the Council's
21 website within thirty (30) days of the final disposition of a
22 complaint. The docket shall detail an identification number, the
23 nature of litigation giving rise to the complaint, the primary
24 subject of the complaint, and the legal basis for the final

1 disposition of the complaint. Except as otherwise provided in this
2 section, the docket shall not contain any identifying information
3 relative to the complainant or respondent judge; and

4 2. In the event the Council's final disposition of a complaint
5 results in submission of findings pursuant to Section 1659 of Title
6 20 of the Oklahoma Statutes with a recommendation that is not a
7 private reprimand, the docket shall include the identity of the
8 respondent judge, a brief summary of the alleged misconduct, and the
9 Council's recommendation.

10 B. 1. Not later than February 28 of each year, the Council
11 shall submit to the President Pro Tempore of the Senate, the Speaker
12 of the House of Representatives, the Governor, the Lieutenant
13 Governor, the Secretary of State, and the Chief Justice of the
14 Supreme Court an electronic report for the preceding calendar year
15 ending December 31. The report shall be posted on the Council's
16 public website in a searchable format. Other than the information
17 included in the report pursuant to divisions 5 and 6 of subparagraph
18 b of paragraph 2 of this subsection, the report shall not include
19 any identifying information relative to the complainant or the
20 respondent judge.

21 2. The report shall include:

- 22 a. an explanation of the role of the Council, and
23 b. annual statistical information for the preceding
24 calendar year including:

- (1) the number of complaints received by the Council, the nature of the litigation giving rise to the complaints, and the primary subject of the complaints,
 - (2) the number of complaints dismissed, the legal basis for the dismissal, and the number of complaints that remain pending,
 - (3) a list of complaints dismissed with a letter of caution or warning to the judge and brief summary of the alleged misconduct,
 - (4) a list of complaints referred to the Supreme Court pursuant to Section 1659 of Title 20 of the Oklahoma Statutes with a recommendation of a private reprimand and a brief summary of the alleged misconduct,
 - (5) a list of complaints referred to the Supreme Court pursuant to Section 1659 of Title 20 of the Oklahoma Statutes with a recommendation other than a private reprimand, the identity of the respondent judge, a brief summary of the alleged misconduct, and the Council's recommendation,
 - (6) a list of complaints referred to any of the bodies or officials enumerated in Article VII-A of the Oklahoma Constitution with a

1 recommendation of removal proceedings or
2 compulsory retirement proceedings before the
3 Court on the Judiciary, the identity of the
4 respondent judge, a brief summary of the alleged
5 misconduct, and the Council's recommendation,

- 6 (7) the number of complaints for which a response was
7 sought from the judge that ultimately resulted in
8 a dismissal,
9 (8) an explanation of the Council's processes, and
10 (9) any additional public information deemed relevant
11 by the Council for inclusion in the annual
12 report.

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

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