

## CHAPTER 1

### MUNICIPAL COURT

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## **SECTION 6-101 ORGANIZATION OF MUNICIPAL COURT.**

This chapter shall govern the organization and operation of the municipal criminal court of the city as put into operation by resolution duly passed on the 6<sup>th</sup> day of March, 1979, and filed in accordance with law as authorized by Sections 27-101 and 27-102 of Title 11 of the Oklahoma Statutes. To the extent of conflict between any provisions of this chapter and the provisions of any ordinance of the city, the provisions of this chapter shall control. The court shall be operative upon the 6<sup>th</sup> day of March, 1979. (Ord. No. 145, 3/6/79)

State Law Reference: Municipal courts not of record, organization, rules and procedures, 11 O.S. Sections 27-101 to 27-131.

## **SECTION 6-102 DEFINITIONS.**

As used in this chapter, unless the context requires a different meaning, the following words shall have the meanings ascribed to them in this section:

1. "Chief of police" means the peace officer in charge of the police force of the city;
2. "Clerk" means the city clerk, including any deputy or member of the office staff of the clerk while performing duties of the clerk's office;
3. "Court" means the municipal court of the city;
4. "Judge" means the judge of the municipal court, including any acting judge or alternate judge thereof as provided for by the statutes of this state and this chapter; and
5. "Judicial district" means the district court judicial district of the State of Oklahoma wherein the government of this city is situated. (Ord. No. 145, 3/6/79)

## **SECTION 6-103 JURISDICTION OF COURT.**

The court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of this city is charged, including any such prosecutions transferred to the court in accordance with applicable law. (Ord. No. 145, 3/6/79)

## **SECTION 6-104 JUDGE; QUALIFICATIONS.**

There shall be one judge of the court who must be duly licensed to practice law in this state. The judge of the court may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his duties as judge, or arising out of facts which give rise to or are connected with cases within the jurisdiction of the court, pending therein or which might become the subject of proceedings therein. (Ord. No. 145, 3/6/79)

## **SECTION 6-105 APPOINTMENT OF JUDGE.**

The judge of the court shall be appointed by the mayor with the consent of the city council prior to the expiration of the current two (2) year term. (Ord. No. 145, 3/6/79; Ord. No. 431, 3/2/93)

## **SECTION 6-106 TERM OF JUDGE.**

The official term of the judge shall be two(2) years expiring on the 1<sup>st</sup> day of February in each odd-numbered year. Each judge, unless sooner removed for proper cause, shall serve until his

successor is appointed and qualified. (Ord. No. 145, 3/6/79)

**SECTION 6-107      ALTERNATE JUDGE.**

There shall be appointed for each judge of the court an alternate judge possessed of the same qualifications as the judge. His appointment shall be for the same term and made in the same manner as the judge. He shall sit as acting judge of the court in any case if the judge is:

1. Absent from the court;
2. Unable to act as judge; or
3. Disqualified from acting as judge in the case. (Ord. No. 145, 3/6/79)

**SECTION 6-108      ACTING JUDGE.**

If at any time there is no judge or alternate judge, duly appointed and qualified, available to sit as judge, the mayor shall appoint some person, possessing the qualifications required by this chapter for the judge, who shall preside as acting judge over the court in the disposition of pending matters until such time as a judge or alternate judge shall be available. (Ord. No. 145, 3/6/79)

**SECTION 6-109      SALARY AND PAYMENTS TO JUDGES.**

A. The judge shall receive a salary as fixed by the city council, paid in the same manner as the salaries of other officials of this city.

B. The city council shall provide for the compensation of an acting or alternate judge of the court, as required. (Ord. No. 145, 3/6/79)

**SECTION 6-110      REMOVAL OF JUDGE.**

A. Judges shall be subject to removal from office by a majority vote of all the members of the city council for the causes prescribed by the constitution and laws of this state for the removal of public officers.

B. Proceedings for removal may also be instituted by the filing of a verified written petition setting forth facts sufficient to constitute one or more legal grounds for removal. Petitions may be signed and filed by:

1. The mayor; or
2. Twenty-five (25) or more qualified electors of this city. Verification of the number or qualifications of electors shall be executed by one or more of the petitioners.

The city council shall set a date for hearing the matter and shall cause notice thereof, together with a copy of the petition, to be served personally upon the judge at least ten (10) days before the hearing. At the hearing, the judge shall be entitled to:

1. Representation by counsel;
2. To present testimony and to cross-examine witnesses against him; and
3. Have all evidence against him presented in open hearing.

So far as they can be applicable, the provisions of the Oklahoma Administrative Procedures Act

governing individual proceedings (Sections 309 to 317 of Title 75 of the Oklahoma Statutes as amended) shall govern removal proceedings hereunder. Judgment of removal shall be entered only upon individual votes, by a majority of all members of the city council, in favor of such removal.(Ord. No. 145, 36/79)

**SECTION 6-111**      **VACANCY IN OFFICE OF JUDGE.**

A vacancy in the office of judge shall be filled in the same manner as provided for the appointment of the judge in the first instance. (Ord. No. 145, 36/79)

**SECTION 6-112**      **CHANGE OF VENUE, DISQUALIFICATION.**

In prosecutions before the court no change of venue shall be allowed from the municipal court, but the judge before whom the case is pending may certify his disqualification or he may be disqualified from sitting under the same terms and conditions provided by law for courts of record. If a judge is disqualified the matter shall be heard by an alternate or acting judge appointed as provided in this chapter.(Ord. No. 145, 36/79)

**SECTION 6-113**      **RULES OF COURT.**

The judge may prescribe rules, consistent with the laws of the state and with the ordinances of this city, for the proper conduct of the business of the court. (Ord. No. 145, 36/79)

**SECTION 6-114**      **SERVICE OF PROCESS.**

Writs and process of the court may be issued by the judge or clerk thereof to any proper office. All writs or process of the court shall be directed, in his official title, to the chief of police of this city, or to some other appropriate peace officer.(Ord. No. 145, 36/79)

**SECTION 6-115**      **CLERK OF THE COURT; DUTIES.**

- A. The city clerk, or a deputy designated by him, shall be the clerk of the court. The clerk shall:
1. Assist the judge in recording the proceedings of the court and in preparing writs, processes or other papers;
  2. Administer oaths required in proceeding before the court;
  3. Be responsible for the entry of all pleadings, processes, and proceedings in the dockets of the court;
  4. Perform such other clerical duties relating to the proceedings of the court as the judge shall direct; and
  5. Receive and give receipt for forfeitures, fines, fees, deposits and sums of money payable to the court.
- B. Such sums of money and funds shall be deposited and disbursed upon appropriate vouchers as directed by the city. (Ord. No. 145, 3/6/79)

**SECTION 6-116**      **PROSECUTING ATTORNEY; DUTIES; CONFLICT OF INTEREST.**

The prosecuting officer of the court shall be appointed by the manager. The prosecutor may be the city attorney or other person appointed by the manager. The prosecuting attorney shall prosecute all alleged violations of the ordinances of the city. He shall be authorized, in his discretion, to prosecute and resist appeal, proceedings in error and review from this court to any other court of the state, and to represent this city in all proceedings arising out of matters in this court. (Ord. No. 145, 3/6/79)

**SECTION 6-117**      **BOND OF JUDGE AND COURT CLERK.**

The clerk of the court shall give bond in the form provided by Section 27-111 of Title 11 of the Oklahoma Statutes, in a sum to be determined by the city council. When executed, the bond shall be submitted to the city council for approval. The city council may also require that the judge, alternate judge and an acting judge, or any of them, give bond to the city. If bond is required, it shall be in an amount to be fixed by the city, conditioned in the same manner as the bond that is required of the clerk of the court. The bonds of the clerk and any judges shall be approved by the city. When approved, it shall be filed with the clerk of the city and retained in the city archives. (Ord. No. 145, 3/6/79)

**SECTION 6-118**      **FEES, FINES AND FORFEITURES.**

All of the fees, fines and forfeitures which come into the municipal court shall be paid by the clerk of the court to the city treasurer. The treasurer shall credit such deposits to the fund designated by the city. The court clerk shall make duplicate receipts for the fees, fines and forfeitures collected by him, one of which shall be retained by the treasurer together with a detailed statement of the items of all costs, the style of the case in which they were paid, and the name of the party paying the same. (Ord. No. 145, 3/6/79)

**SECTION 6-119**      **ENFORCEMENT OF RULES.**

Obedience to the orders, rules and judgments made by the judge or by the court may be enforced by the judge, who may fine or imprison for contempt committed as to him while holding court, or committed against process issued by him, in the same manner and to the same extent as the district courts of the state. (Ord. No. 145, 3/6/79)

**SECTION 6-120**      **WRITTEN COMPLAINTS TO PROSECUTE ORDINANCE VIOLATIONS.**

All prosecutions commenced in the municipal court shall be by complaint which shall be subscribed by the person making complaint and shall be verified before a judge, the court clerk, a deputy court clerk, or a police officer.

However, no warrant for arrest shall be issued until the complaint has been approved by the municipal attorney or the judge of the court. All prosecutions for the violation of municipal ordinances shall be styled: "The City of Choctaw vs. \_\_\_\_\_ (naming the person or persons charged)." (Ord. No. 145, 3/6/79)

**SECTION 6-121**      **ARRAIGNMENT AND PLEADINGS BY DEFENDANT.**

Upon making his appearance before the court, the defendant shall be arraigned. The

arraignment shall be made by the court. The judge or prosecuting attorney shall read the complaint to the defendant, inform him of his legal rights, including the right of trial by jury, if available, and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. If the defendant pleads guilty, the court may proceed to judgment and sentence or may continue the matter for subsequent disposition. If the plea is not guilty, and the case is not for jury trial, the court may proceed to try the case, or may set it for hearing at a later date.(Ord. No. 145, 3/6/79)

**SECTION 6-122**      **FINES IN LIEU OF APPEARANCE.**

The city council by ordinance may prescribe a schedule of fines which the defendant may pay in lieu of his appearance before the court and such payment shall constitute a final determination of the cause against the defendant.

(Ord. No. 145, 3/6/79)

**SECTION 6-123**      **TRAFFIC BAIL BOND PROCEDURES.**

A. In addition to other provisions of law for posting bail, any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement office solely for a misdemeanor violation of a state traffic law or municipal traffic ordinance shall be released by the arresting officer upon person recognizance if:

1. The arrested person has been issued a valid license to operate a motor vehicle by this state, another state jurisdiction within the United States, or any party jurisdiction of the Nonresident Violator compact;
2. The arresting officer is satisfied as to the identity of the arrested person;
3. The arrested person signs a written promise to appear as provided for on the citation; and
4. The violation does not constitute:
  - a. A felony;
  - b. Negligent homicide;
  - c. Driving or being in physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances;
  - d. Eluding or attempting to elude a law enforcement officer;
  - e. Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;
  - f. An arrest based upon an outstanding warrant;
  - g. A traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph;
  - h. An overweight violation, or the violation of a special permit exceeding the authorized permit weight; or
  - i. A violation relating to the transportation of hazardous materials.

B. If the arrested person is eligible for release on personal recognizance as provided for in subsection A of this section, then the arresting officer shall:

1. Designate the traffic charge;
2. Record information from the arrested person's driver's license on the citation form, including the name, address, date of birth, personal description, type of driver's license, driver's license number, issuing state and expiration date;
3. Record the motor vehicle make, model and tag information;

4. Record the arraignment date and time on the citation; and
5. Permit the arrested person to sign a written promise to appear as provided for in the citation.

The arresting officer shall then release the person upon personal recognizance based upon the signed promise to appear. The citation shall contain a written notice to the arrested person that release upon personal recognizance based upon a signed written promise to appear for arraignment is conditional and that failure to timely appear for arraignment shall result in the suspension of the arrested person's driver's license in this state, or in the nonresident's home state pursuant to the Nonresident Violator Compact.

C. Procedures for arraignment, continuances and scheduling, timely appearances, pleas of guilty or nolo contendere, posting bail, payment of fines and costs, issuance of arrest warrants, and requests for suspension of driver's license, shall be required in state law, Sections 1115.1 through 1115.1 of Title 22 of the Oklahoma Statutes.

D. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before he is required to appear for arraignment by indicating such plea on the copy of the citation furnished to him or on a legible copy thereof, together with the date of the plea and his signature. The defendant shall be responsible for assuring full payment of the fine and costs to the court clerk. The defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere as provided for in this subsection, such plea shall be accepted by the court and the amount of the fine and costs shall be as prescribed by ordinance for the violation charged or as prescribed by the court.

E. If, pursuant to the provisions of subsection D of this section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for the arraignment, the court may issue a warrant for the arrest of the defendant and the municipal or district court clerk, within one hundred twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify the State Department of Safety that:

1. The defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment as provided for in the citation;
2. The defendant has failed to appear for arraignment without good cause shown;
3. The defendant has not posted bail, paid a fine, or made any other arrangement with the court to satisfy the citation; and
4. The citation has not been satisfied as provided by law.

The court clerk shall request the State Department of Public Safety to either suspend the defendant's driver's license to operate a motor vehicle in this state, or notify the defendant's home state and request suspension of the defendant's driver's license in accordance with the provisions of the Nonresident Violator Compact. Such notice and request shall be on a form approved or furnished by the State Department of Public Safety. The court clerk shall not process the notification and request provided for in this subsection if, with respect to such charges:

1. The defendant was arraigned, posted bail, paid a fine, was jailed or otherwise settled the case;
2. The defendant was not released upon personal recognizance upon a signed written promise to appear as provided for in this section or if released, was not permitted to remain on such personal recognizance for arraignment;

3. The violation relates to parking or standing, an overweight violation, an overweight permit, or the transportation of hazardous materials; or
4. A period of one hundred twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting officer.

F. The court clerk shall maintain a record of each request for driver's license suspension

submitted to the State Department of Public Safety pursuant to the provisions of this section. When the court or court clerk received appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof thereof to such defendant, if the defendant personally appears, or shall mail such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation or at such other address as is furnished by the defendant. Additionally, the court or court clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the Nonresident Violator Compact, and shall in all other cases, notify the State Department of Public Safety of the resolution of the case. The form of proof and the procedures for notification shall be approved by the State Department of Public Safety. Provided, however, the court or court clerk's failure to furnish such proof or notice in the manner provided for in this subsection shall in no event create any civil liability upon the court, the court clerk, the state or any political subdivision thereof, or any state department or agency or any employee thereof but duplicate proof shall be furnished to the person entitled thereto upon request.

**SECTION 6-124**      **FAILURE TO APPEAR ACCORDING TO TERMS OF BOND; FORFEITURE.**

If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of his bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when his presence in court or before the magistrate may be lawfully required, the judge may direct that fact to be entered upon the court minutes, thereby declaring the bond to be forfeited. Court costs shall be collectable from the proceeds of the bond. (Ord. No. 145, 3/6/79)

**SECTION 6-125**      **FAILURE TO APPEAR.**

It is unlawful and an offense for any person to fail to appear as required by any citation, or any order or summons issued by the court or judge. The penalty for failure to appear shall be as provided in Section 1-108 of this code, and be in addition to any penalty for the primary or any other offense.

**SECTION 6-126**      **SUMMONS FOR ARREST.**

A. Upon filing of a complaint charging violation of any ordinance, the judge, unless he determines to issue a warrant of arrest, or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, he shall issue a summons, naming the person charged, specifying his address or place of residence, if known, stating the offense with which he is charged and giving him notice to answer the charge in the court on a certain day, after the summons is served upon him, and including such other pertinent information as may be necessary.

B. The summons shall be served by delivering a copy to the defendant personally. If he fails to appear and to answer the summons without the prescribed period, a warrant shall be issued for his arrest, as provided by this chapter. (Ord. No. 145, 3/6/79)

**SECTION 6-127      FORM OF ARREST WARRANT.**

A.      Except as otherwise provided in the ordinances of this city, upon the filing of a complainant approved by the endorsement of the attorney of this city or by the judge, there shall be issued a warrant of arrest, in substantially the following form:

The City of Choctaw to the Marshal of the Municipal Court of Choctaw, Oklahoma.

Complaint upon oath having this day been made by (naming complainant) that the offense of (naming the offense in particular but general terms) has been committed and accusing (name of defendant) thereof, you are commanded therefor forthwith to arrest the above named defendant and bring \_\_\_\_ before me, at the municipal courtroom,

Witness my hand this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Judge of the Municipal Criminal Court  
Choctaw, Oklahoma

B.      It is the duty of the marshal, personally, or through a duly constituted member of the police force of this city, or through any other person lawfully authorized so to act, to execute a warrant as promptly as possible. (Ord. No. 145, 3/6/79)

**SECTION 6-128      DEPOSIT OF DRIVER'S LICENSE AS BAIL FOR TRAFFIC VIOLATIONS.**

Repealed.

**SECTION 6-129      PROCEDURE; JUDICIAL NOTICE OF STATUTES AND ORDINANCES; WRITS AND PROCESSES.**

The code or procedure in the municipal court, except as may be otherwise provided herein, shall be the same as is now provided by law for the trial of misdemeanors. The court shall take judicial notice of state statutes and the ordinances of the city in which it is located. (Ord. No. 145, 3/6/79)

State Law Reference: Enforcement of fines by imprisonment, 11 O.S. Section 27-122.

**SECTION 6-130      TRIAL BY JURY AND WAIVER.**

A.      In all prosecutions for violations of ordinances punishable by fine of more than One Hundred Dollars (\$100.00), or by imprisonment, or by both fine and imprisonment, trial shall be by jury, unless waived by the defendant and the city. If trial by jury is waived, and for all other offenses, trial shall be to the court.

B.      A jury in the court shall consist of six (6) jurors, good and lawful men or women, citizens of the county in which the court sits, possessing the qualifications of jurors in district court. A verdict of the jury may be rendered by the vote of five (5) jurors.

C.      At arraignment, the defendant shall be asked whether he demands or waives trial by

jury. His election shall be recorded in the minutes of the arraignment and entered on the docket of the court respecting proceedings in the case.

D. An election waiving jury trial, made at arraignment, may be changed by the defendant at any time prior to the day for which trial by the court is set; an election demanding jury trial may be changed at any time prior to the commencement of proceedings to impanel the jury for the trial, but, if that change occurs after the case has been set for jury trial, it may not thereafter be rechanged so as again to demand trial by jury. (Ord. No. 145, 3/6/79)

State Law Reference: Jury trials required for fines of \$100.00 or more, 11 O.S. Section 27-119.

### **SECTION 6-131      SELECTION AND SUMMONS OF JURORS.**

Jurors in the municipal court shall be selected under the same terms and conditions as are provided for by law for the district courts. Upon written request of the judge of the municipal court for a stated number of jurors to the chief judge of the appropriate district court, it is the duty of the clerk of the district court to draw from the jury wheel a requested number of jurors in the same manner as is provided by law for the district court until the number requested, who from their addresses appear to reside within the city, is drawn, and to prepare a list of names drawn and certify such list to the judge of the municipal court. On completion of the draw, the clerk shall immediately return to the jury wheel all names drawn which are not placed on the certified list. The judge of the municipal court shall make written request to the chief judge of the district court for a stated number of additional jurors if, after allowance of claimed statutory exemptions, the listed number is found to be insufficient. Summons of the prospective jurors shall be issued as provided by law, and may be served in person by the chief of police or any member of the police force of the city, or may be served by the clerk of the municipal court by mail. (Ord. No. 145, 3/6/79)

### **SECTION 6-132      FEES AND MILEAGE FOR JURORS.**

Jurors shall receive for their services the sum as set by judge per day or mileage for each mile necessarily traveled by the most direct route in going to and from the court from their respective places of residence. The claims for such compensation shall show the location of the juror's residence and the route and miles traveled, and must be verified as other claims against the city are verified. Jurors shall be paid out of the general funds of the city. (Ord. No. 145, 3/6/79)

### **SECTION 6-133      ENFORCEMENT OF PAYMENT OF FINES OR COSTS BY IMPRISONMENT; PERSONS UNABLE TO PAY.**

A. If a defendant who is financially able refuses or neglects to pay a fine or costs or both, payment may be enforced by imprisonment until the same shall be satisfied at the rate of Five Dollars (\$5.00) per day. If the defendant is without means to pay the fines or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court of Oklahoma County where it shall be entered upon the district court docket and shall have the full force and effect of a district court judgment. Thereupon the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor.

B. All prisoners confined to jail on conviction or on plea of guilty may be compelled, if their health permits, to work on the public streets, avenues, alleys, parks, buildings or other public

premises or property. For each day of work, the prisoner shall be credited Ten Dollars (\$10.00) toward any fine or costs or witness or juror fees or mileage until satisfied.

C. The chief of police, subject to the direction of the city manager, shall direct where the work shall be performed. The head of the department in charge of the place where the work is to be performed, himself or by some person designated by him, shall oversee the work. If a guard is necessary, the chief of police shall make provision therefor. (Ord. No. 145, 3/6/79)

**SECTION 6-134**      **DEFERRED SENTENCE, SUSPENSION OF JUDGMENT OR COSTS, RECONFINEMENT, ADMINISTRATIVE FEE.**

A. The judge of the municipal court imposing a judgment or sentence, at his discretion, is empowered to modify, reduce or suspend or defer the imposition of such sentence or any part thereof and to authorize probation for a period not to exceed six (6) months from the date of sentence, upon such terms or conditions as the court may specify. Procedures relating to suspension of the judgment or cost, or both, shall be as provided in Section 27-123 of Title 11 of the Oklahoma Statutes. Upon completion of the probation term, the defendant shall be discharged without a court judgment of guilt, and the verdict, judgment of guilty or plea of guilty, shall be expunged from the record, and the charge dismissed with prejudice to any further action. Upon a finding of the court that the conditions of probation have been violated, the municipal judge may enter a judgment of guilty.

B. The judge of the municipal court may continue or delay imposing a judgment or sentence for a period not to exceed six (6) months from the date of sentence. At the expiration of such period of time the judge may allow the charge to be amended to a lesser offense.

C. If a deferred sentence is imposed as provided in Subsections A and B above an administrative fee, in an amount not to exceed One Hundred Dollars (\$100.00), may be imposed as additional court costs in the case. (Ord. No. 145, 3/6/79; Ord. No. 359, 11/3/87)

**SECTION 6-135**      **SUPERVISION OF JUVENILES ON PAROLE OR PROBATION.**

In addition to the duties otherwise provided by law, the judge, or some other person designated by the city council, shall be required to supervise all juveniles who are either on parole or serving probation terms or suspended sentences pronounced and adjudged by the municipal court. (Ord. No. 145, 3/6/79)

**SECTION 6-136**      **CONTEMPT OF COURT, FAILURE TO COMPLY SEPARATE OFFENSE.**

The judge shall have power to enforce due obedience to orders, rules and judgments made by him and may fine or imprison for contempt offered to the judge while holding his court or to process issued by him in the same manner and to the same extent as the district courts of the state. Failure to comply with an order, rule or judgment shall constitute a separate offense against the city. (Ord. No. 145, 3/6/79)

**SECTION 6-137**      **COSTS UPON JUDGMENT OF CONVICTION.**

If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant in the sum of Fifteen Dollars (\$15.00), or the maximum allowed by state law, whichever is greater,

all of which the defendant shall pay, in addition to any fine that may be imposed. Fees and mileage of jurors and witnesses as provided for in this chapter are payable by the defendant, in addition to any fine and costs assessed. (Ord. No. 145, 3/6/79; Ord. No. 355, 10/6/87)

**SECTION 6-138      APPEALS.**

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 city 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 offense is punishable by a fine of more than One Hundred Dollars (\$100.00), including costs.

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 his 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 Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00); except that if the conviction involved a fine only, the amount of the bond shall be no greater than twice the amount of such fine. Bond shall be taken by the clerk of the court. Any pledge of sureties must be approved by the judge.

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 city attorney shall take the necessary steps to have the papers certified to the appellate court within twenty (20) days of the judgment, 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 city. The certificate shall state whether or not the municipal judge hearing the case was a licensed attorney in the state. (Ord. No. 145, 3/6/79)

**SECTION 6-139      WITNESS FEES.**

Witnesses in any proceeding in the court other than the police officers or peace officers may be entitled to a fee day of attendance, plus mileage for each mile actually and necessarily traveled in going to and returning from the place of attendance if their residence is outside the limits of the city. However, no witness shall receive fees or mileage in more than one case for the same period of time or the same travel. A defendant seeking to subpoena witnesses must deposit with the clerk a sum sufficient to cover fees and mileage for one day of attendance for each witness to be summoned, but such deposit shall not be required from an indigent defendant who files an affidavit setting out:

1.      The names of no more than three (3) witnesses;
2.      That the defendant, by reason of his poverty, is unable to provide the fees and mileage allowed by law;
3.      That the testimony of the witnesses is material; and
4.      That their attendance at the trial is necessary for his proper defense.

The fees of such witnesses shall be paid by the city. (Ord. No. 145, 3/6/79)

**SECTION 6-140      TRAFFIC VIOLATIONS BUREAU.**

A.      A traffic violations bureau is hereby established as a division of the office of the

clerk

of the court to be administered by the clerk, or by subordinates designated by him for that purpose. Persons who are cited for violations of regulatory traffic ordinances of this municipality may elect to pay a fine to the Traffic Violations Bureau according to a schedule formulated by the municipal judge in amounts not to exceed the maximum allowable fine established by the ordinances of the city council.

B. No person cited for violations of ordinances which are punishable by both fine and imprisonment may pay a fine in the Traffic Violations Bureau for those violations.

C. The court may adopt rules to carry into effect this season. Payment of a fine under this section as set by the judge shall constitute a final determination of the cause against the defendant. If a defendant who has elected to pay a fine under this section fails to do so, he shall be prosecuted as otherwise provided by law. (Ord. No. 145, 3/6/79)

**SECTION 6-141      ASSESSMENTS TO MUNICIPAL FINES.**

A. For every fine or bond forfeiture of Ten Dollars (\$10.00) or more collected by the municipal court, fees in the amounts as assessed by Oklahoma State Statute will be set aside for the law enforcement officer's training fund and for public safety technology, to include but not be limited to, computer software programs and the automated fingerprint identification system (AFIS).

B. For every case in which a fine, bond forfeiture or administrative or other fee is collected by the municipal court, a fee will be set aside in the amount as assessed in the schedule of fees for the police training fund.

C. The police training fund shall be a separate fund, not supplanting normal training funds established within the municipal budget, for the purpose of providing public safety technology to include, but not be limited to, computer software, the law enforcement television network and all costs associated therewith, and specialized training of law enforcement officers, not limited to payment of televised, media, video or other training programs and all expenses incurred for such programs.

D. The treasurer shall deposit the monies set aside pursuant to Subsection A and B of this section into the appropriate funds as required by state statute and municipal ordinance.

E. The provisions hereof shall be cumulative and in addition to any and all other provisions of the ordinances of the city.

F. It is hereby declared to be the purpose of the revenues provided by the additional assessments levied by this section and schedule of fees to provide revenues for the purpose of public safety technology to include, but not be limited to, computer software, the law enforcement television network and all costs associated therewith, and specialized training of law enforcement officers, not limited to payment of televised, media, video or other training programs and all expenses incurred for such programs, and is not intended to supplant normal training funds established within the municipal budget. (Ord. No. 526, 12/7/99; Ord. No. 409, 11/91)

## **CHAPTER 2**

**(RESERVED)**