

Title 11 Municipal Code -- Municipal Criminal Courts Not of Record

**Oklahoma Statutes
Title 11 Oklahoma Municipal Code
Article 27 Municipal Criminal Courts Not of Record
Section 14-111 Enforcement and Penalties for Violation of Municipal Ordinances**

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Section 27-101 Creation of a Municipal Court Not of Record

A municipality may create a Municipal Court, as provided in this article, which shall be a court not of record. This court may be created in addition to a Municipal Criminal Court of Record. References in Sections 11-27-101 through 11-27-131 of this title to the municipal court shall mean the municipal court not of record established under the authority of the provisions of this article.

Laws 1977, HB 1100, c. 256, § 27-101, eff. July 1, 1978.

Section 27-102 Resolution of the Governing Body

Before a municipal court not of record may be put into operation, the municipal governing body shall determine by resolution that the efficient disposition of cases involving the violation of municipal ordinances necessitates putting the court into operation. The governing body shall cause a certified copy of the resolution to be filed in the office of the county clerk of each county in which the municipality is located. The resolution and the filing thereof shall be judicially noticed in all courts of this state.

Amended by Laws 1988, HB 1695, c. 21, § 1, eff. November 1, 1988.

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Section 27-103 Jurisdiction of the Court

The municipal court shall have original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of the municipality where the court is established is charged.

Laws 1977, HB 1100, c. 256, § 27-103, eff. July 1, 1978.

Section 27-104 Appointment and Qualification of Judges

A. The number of judges for each municipal court shall be determined by the governing body of the municipality where the court is established. The judge of each municipal court shall be appointed by the mayor of the municipality where the court is established, with the consent of the municipal governing body. The judge of any municipal court shall be licensed to practice law in Oklahoma, except as provided for in subsections B and C of this section. He shall serve for a term of two (2) years, said term expiring on a date fixed by ordinance, and until his successor is appointed and qualified, unless removed by the vote of a majority of all members of the governing body for such cause as is provided for by law for the removal of public officers. Any appointment to fill a vacancy shall be for the unexpired term. Except in cities with a population of more than two hundred thousand (200,000), nothing in the provisions of this section shall be construed to prevent the judge from engaging in the practice of law in any other court during his tenure of office. The judge shall be paid a salary to be fixed by the municipal governing body. He shall be paid in the same manner as other municipal officials.

B. In any municipality with a population of less than seven thousand five hundred (7,500), the mayor, with the consent of the governing body of the municipality, may appoint as judge:

1. An attorney licensed to practice law in Oklahoma, who resides in the county in which the municipality is located or in an adjacent county; or
2. An attorney licensed to practice law in Oklahoma who maintains a permanent office in the municipality; or
3. Any suitable person who resides in the county in which the municipality is located or in an adjacent county.

C. In any municipality with a population of seven thousand five hundred (7,500) or more, if no attorney licensed to practice law in Oklahoma resides in the county or in an adjacent county in which the municipality is located, who is at the time of appointment willing to accept the

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appointment as judge, the mayor, with the consent of the governing body of the municipality, may appoint any suitable and proper person as judge.

D. If the judge of the municipal court is not a licensed attorney and has not complied with the education requirements pursuant to subsection F of this section and the education requirements pursuant to Section 18-101 of Title 47 of the Oklahoma Statutes, the trial shall be to the court, and the court may not impose a fine of more than Fifty Dollars (\$50.00), and may not order the defendant imprisoned except for the nonpayment of fines or costs or both.

E. If the judge of the municipal court is not a licensed attorney but has complied with the education requirements of subsection F of this section and the education requirements pursuant to Section 18-101 of Title 47 of the Oklahoma Statutes, the maximum fine that may be imposed shall be Five Hundred Dollars (\$500.00).

F. In order to impose the fine authorized by subsection E of this section, a nonlawyer judge must, within a period not to exceed the preceding reporting period in this state for mandatory continuing legal education, complete courses held for municipal judges which have been approved by the Oklahoma Bar Association Mandatory Legal Education Commission for at least six (6) hours of continuing education credit. Verification may be made by a statement of attendance signed by the course registration personnel.

Added by Laws 1977, HB 1100, c. 256, § 27-104, eff. July 1, 1978; Amended by Laws 1982, SB 366, c. 157, § 2, eff. October 1, 1982; Amended by Laws 1983, SB 176, c. 293, § 2, eff. October 1, 1983; Amended by Laws 1984, HB 1463, c. 32, § 1, eff. November 1, 1984; Amended by Laws 1996, HB 2541, c. 245, § 1, eff. November 1, 1996; Amended by Laws 2004, HB 2606, c. 173, § , eff. November 1, 2004; Amended by Laws 2005, HB 1654, c. 386, § 2, eff. November 1, 2005

Section 27-105 Change of Venue Prohibited, Disqualification, Appointment of Special Judge

A. No change of venue shall be allowed from any municipal court, but the judge of the municipal court may be disqualified under the same terms and conditions as are now provided by law for courts of record.

B. In the event of an ethical disqualification by a municipal judge, the senior municipal judge may appoint, on a case-by-case basis, a sitting municipal judge in another municipality within the same county or an adjacent county to act as a special judge for the purposes of hearing the case.

Laws 1977, HB 1100, c. 256, § 27-105, eff. July 1, 1978; Amended by Laws 2012, SB 1346, c. 54, § 1, emerg. eff. April 16, 2012

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Section 27-106 Acting Judge, Alternate, Compensation

In the event of disqualification of the judge in a particular case, or his absence or inability to act, the mayor of the municipality may appoint some person, qualified as provided in Section 11-27-104 of this title, as acting municipal judge of the court in the place of the judge during his absence or inability to act or in a case wherein the judge is disqualified; or, in its discretion, the municipal governing body may provide by ordinance for the appointment of an alternate judge of the court, in the same manner and for the same term as the judge and possessing the qualifications prescribed by Section 11-27-104 of this title, who shall sit as acting judge of the court in case of the absence, inability or disqualification of the judge. If both the judge and the alternate judge are unable to sit, the mayor may appoint an acting judge as provided in this section. The municipal governing body, by ordinance, shall provide for the compensation of an acting judge of the court.

Laws 1977, HB 1100, c. 256, § 27-106, eff. July 1, 1978.

Section 27-107 Vacancies in the Office of Judge

Vacancies in the office of the judge of any municipal court shall be filled in the same manner as provided for the appointment of the judge in the first instance.

Laws 1977, HB 1100, c. 256, § 27-107, eff. July 1, 1978.

Section 27-108 Municipal Attorney Empowered to Prosecute

The municipal attorney of each municipality where a municipal court is established may be the prosecutor of the municipal court. The prosecutor shall have full power to prosecute for the violations of any ordinance of the municipality in the municipal court and shall have the power to prosecute and resist appeals and proceedings in error and review from the municipal court.

Laws 1977, HB 1100, c. 256, § 27-108, eff. July 1, 1978; Amended by Laws 1984, HB 1669, c. 126, § 53, eff. November 1, 1984.

Section 27-109 Municipal Court Clerk

The municipal clerk of any municipality where a municipal court is established, or a designated deputy shall be the clerk of the municipal court unless the governing body establishes or authorizes a position of chief municipal court officer to serve as court clerk.

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The court clerk shall have authority to carry out the duties of the position as required by law; provided, that the person who serves as court clerk may separately perform other duties for the municipality. The clerk of the court shall:

1. Assist the judge in recording the proceedings of the court, preparation of writs, processes, or other papers;
2. Administer oaths required in judicial or other proceedings 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 in relation to the proceedings of the court as the judge shall direct; and
5. Receive and give receipt for and disburse or deliver to the municipal treasurer all fines, forfeitures, fees, deposits, and sums of money properly payable to the municipal court. Such funds and sums of money while in the custody of the clerk shall be deposited and disbursed upon vouchers as directed by the municipal governing body.

Added by Laws 1977, HB 1100, c. 256, § 27-109, eff. July 1, 1978; Amended by Laws 1991, HB 1549, c. 124, § 15, emerg. eff. July 1, 1991; Amended by Laws 1995, HB 1120, c. 166, § 2, emerg. eff. May 4, 1995.

Section 27-110 Municipal Court Marshal

The municipal governing body, upon the recommendation of the judge of the municipal court, may designate any appropriate person who is a resident of the municipality to serve as marshal, and in the absence of such a designation, the chief of police or corresponding officer of the municipality shall be ex officio marshal of the court. The marshal shall execute any writs and other process directed to him, except as herein otherwise provided, and such duty may be performed by any deputy marshal or by any members of the police force of the municipality, as the case may be.

Laws 1977, HB 1100, c. 256, § 27-110, eff. July 1, 1978.

Section 27-111 Bonding of the Court Clerk and Municipal Judges

A. The clerk of each municipal court shall give bond to the governing body of the municipality where the court is established. The bond shall be approved by the governing body

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and shall be in an amount to be fixed by the governing body. The bond shall be in substance as follows:

I, _____, clerk of the Municipal Court of _____, State of Oklahoma, and _____ and _____, his sureties, do jointly and severally agree to pay on demand each and every person who may be entitled thereto, all such sums of money as the said clerk may become liable to pay, on account of any moneys which may come into his hands, by virtue of his office.

Dated at _____, this _____ day of _____, 19__.

(Signed)

B. The municipal governing body may provide that the judge, the alternate judge, and an acting judge, or any of them, shall give a bond to the governing body of the municipality where the court is established. If a bond is required, it shall be in an amount to be fixed by the governing body. It shall be conditioned in the same manner as the bond that is required of the clerk of the court, and it shall be approved by the governing body.

Laws 1977, HB 1100, c. 256, § 27-111, eff. July 1, 1978.

Section 27-112 Disposition of 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 municipal treasurer. The treasurer shall credit such deposits to the fund designated by the municipal governing body. The court clerk shall make duplicate receipts for the fees, fines, and forfeitures collected by him, one copy of which shall be retained by the municipal treasurer together with a detailed statement of all costs, the style of the case in which they were paid, and the name of the party paying the same.

Laws 1977, HB 1100, c. 256, § 27-112, eff. July 1, 1978; Amended by Laws 1984, HB 1669, c. 126, § 54, eff. November 1, 1984.

Section 27-113 Procedures, Judicial Notice of Laws, Writs and Service of Warrants

Except as otherwise provided for by law, the code of procedure in the municipal court shall be the same as is provided for by law for the trial of misdemeanors. The court shall take judicial notice of state statutes and the ordinances of the municipality in which it is located. Writs and processes of the court may be issued by the judge or clerk thereof to any proper officer. All writs

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and processes of the municipal court in which a violation of a municipal ordinance is charged shall be directed to the chief of police of the municipality, a county sheriff, or to some other appropriate peace officer. A law enforcement officer of the municipality or county sheriff may serve an arrest warrant issued by the municipal court any place within this state. If the warrant is served by a county sheriff, the municipality shall pay the Sheriff's Service Fee Account a fee of Twenty Dollars (\$20.00).

Amended by Laws 1982, HB 1926, c. 133, § 2; Amended by Laws 1984, HB 1669, c. 126, § 55, eff. November 1, 1984; Amended by Laws 1990, HB 1727, c. 259, § 1, eff. September 1, 1990.

Section 27-114 Prescription of Court Rules

The judge of each municipal court may prescribe rules, consistent with the provisions of this article, for the proper conduct of the business of the municipal court.

Laws 1977, HB 1100, c. 256, § 27-114, eff. July 1, 1978.

Section 27-115 Prosecutions Required by Verified Complaint, Form

All prosecutions commenced in the municipal court shall be by complaint which shall be subscribed by the person making the complaint and shall be verified before a judge, the court clerk, a deputy court clerk, or a police officer. No warrant for arrest shall be issued until the complaint has been approved by the judge of the municipal court. All prosecutions for the violation of municipal ordinances shall be styled, "*The _____ (City or Town) of _____ (name the municipality) vs. _____ (naming the person or persons charged)*".

Amended by Laws 1984, HB 1669, c. 126, § 56, eff. November 1, 1984.

Section 27-115.1 Means of Verification of Prosecution Complaints

Notwithstanding other provisions of law, when a law enforcement officer issues a citation or ticket as the basis for a complaint or information, for an offense against a municipal ordinance which is declared to be a misdemeanor, the citation or ticket shall be properly verified if:

1. The issuing officer subscribes the officer's signature on the citation, ticket or complaint to the following statement:

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"I, the undersigned issuing officer, hereby certify and swear that I have read the foregoing information and know the facts and contents thereof and that the facts supporting the criminal charge stated therein are true."

Such a subscription by an issuing officer, in all respects, shall constitute a sworn statement, as if sworn to upon an oath administered by an official authorized by law to administer oaths; and

2. The citation or ticket states the specific facts supporting the criminal charge and the ordinance or statute alleged to be violated; or
3. A complainant verifies by oath, subscribed on the citation, ticket or complaint, that he has read the information, knows the facts and contents thereof and that the facts supporting the criminal charge stated therein are true. For purposes of such an oath and subscription, any law enforcement officer of the state, county or municipality of the State of Oklahoma issuing the citation, ticket or complaint shall be authorized to administer the oath to the complainant.

Added by Laws 1992, HB 2294, c. 68, § 2, eff. September 1, 1992.

Section 27-116 Arraignments and Pre-set Fines in Lieu of Appearance

The arraignment shall be made by the court. The judge or the prosecuting attorney shall read the complaint to the defendant, inform him of his legal rights and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. The municipal governing body by ordinance may prescribe a schedule of fines which the defendant may pay in lieu of his appearance before the municipal court and such payment shall constitute a final determination of the cause against the defendant.

Laws 1977, HB 1100, c. 256, § 27-116, eff. July 1, 1978.

Section 27-117 Arrest and Release of Defendants, Bail and Temporary Cash Bonds

A. If a resident of a municipality served by a municipal court is arrested by a law enforcement officer for the violation of any traffic ordinance for which Section 27-117.1 of this title does not apply, or is arrested for the violation of a nontraffic ordinance, the officer shall immediately release said person if the person acknowledges receipt of a citation by signing it. Provided, however, the arresting officer need not release said person if it reasonably appears to the officer that the person may cause injury to himself or others or damage to property if released, that the person will not appear in response to the citation, or the person is arrested for

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an offense against a person or property. If said person fails to appear in response to the citation, a warrant shall be issued for his arrest and his appearance shall be compelled.

If the arrested resident is not released by being permitted to sign a citation as provided for in this subsection, he shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance. A municipality may prescribe a fine for up to the maximum amount authorized by courts not of record for failure of a person to have a valid driver's license when charged with a traffic violation.

B. If a nonresident of a municipality served by a municipal court is arrested by a law enforcement officer for a violation of any ordinance for which Section 27-117.1 of this title does not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment.

C. The amount and conditions of bail granted pursuant to the provisions of subsections A and B of this section shall be determined by the judge who shall prescribe rules for the receipt of bail and for the release on personal recognizance. The amount of bail for each offense shall not exceed the maximum fine plus court costs, unless the defendant has a previous history of failing to appear according to the terms or conditions of a bond, in which case the amount of bail shall not exceed One Thousand Dollars (\$1,000.00). In the event of arrests at night, emergencies, or when the judge is not available, a court official, the chief of police or his designated representative may be authorized by the judge, subject to such conditions as shall be prescribed by the judge, to accept a temporary cash bond in a sufficient amount to secure the appearance of the accused. The cash bond shall not exceed the maximum fine provided for by ordinance for each offense charged, unless the defendant has a previous history of failing to appear according to the terms or conditions of a bond, in which case the amount of the cash bond shall not exceed One Thousand Dollars (\$1,000.00). The court official, chief of police or his designated representative is authorized, subject to such conditions as shall be prescribed by the judge, to release a resident of the municipality on personal recognizance.

Laws 1977, HB 1100, c. 256, § 27-117, eff. July 1, 1978; Amended by Laws 1984, HB 1669, c. 126, § 57, eff. November 1, 1984; Amended by Laws 1986, HB 1945, c. 250, § 7, eff. July 1, 1987; Amended by Laws 1997, SB 281, c. 251, § 6, eff. November 1, 1997

Section 27-117.1 Arrests for Certain Traffic Violations

If a resident or nonresident of a municipality having a municipal court is arrested by a law enforcement officer solely for a misdemeanor violation of a traffic ordinance, other than an ordinance pertaining to a parking or standing traffic violation, and the arrested person is eligible to sign a written promise to appear and be released upon personal recognizance as provided for in Section 1115.1 of Title 22 of the Oklahoma Statutes, then the procedures provided for in the State and Municipal Traffic Bail Bond Procedure Act as applied to municipalities, shall govern.

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A municipality, by ordinance, may prescribe a bail bond schedule for this purpose and may provide for bail to be used as payment of the fine and costs upon a plea of guilty or *nolo contendere*, as provided for in Section 1115.1 of Title 22 of the Oklahoma Statutes. Absent such ordinance, the municipal court may prescribe a bail bond schedule for traffic offenses. The amount of bail shall not exceed the maximum fine and costs provided by ordinance for each offense, unless the defendant has a previous history of failing to appear according to the terms or conditions of a bond, in which case the amount of bail shall not exceed One Thousand Dollars (\$1,000.00).

Added by Laws 1986, HB 1945, c. 250, § 8, eff. July 1, 1987; Amended by Laws 1993, HB 1016, c. 15, § 1, eff. September 1, 1993; Amended by Laws 1997, SB 281, c. 251, § 7, eff. November 1, 1997

Section 27-118 Failure to Appear and Forfeiture of Bond

A. If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of a bond, given by a bail bondsman as defined in Section 1301 of Title 59 of the Oklahoma Statutes, either for hearing, arraignment, trial, or judgment, or upon any other occasion when the presence of the defendant in court or before the judge may be lawfully required:

1. The court shall perform the procedures set forth in Section 1332 of Title 59 of the Oklahoma Statutes whereby the municipal court clerk shall issue the required notices; or
2. a. The municipal judge shall issue an order declaring the bond to be forfeited on the day the defendant failed to appear and stating the reasons therefor, and
 - b. Within five (5) days of the order of forfeiture, the municipal court clerk shall file a certified copy of the order with the district court in the county where the municipal government is located. The district court clerk shall treat the certified order of forfeiture as a foreign judgment and proceed in accordance with the provisions of Section 1332 of Title 59 of the Oklahoma Statutes. A surety shall have all remedies available under the provisions of Section 1108 of Title 22 and Sections 1301 through 1340 of Title 59 of the Oklahoma Statutes.

B. Court costs shall be collectible from the proceeds of a forfeited bond.

Added by Laws 1977, HB 1100, c. 256, § 27-118, eff. July 1, 1978; Amended by Laws 1993, HB 1337, c. 265, § 1, emerg. eff. July 1, 1993; Amended by Laws 1994, SB 779, c. 49, § 1, eff. September 1, 1994; Amended by Laws 1995, HB 1120, c. 166, § 3, emerg. eff. May 4, 1995.

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Section 27-119 Jury Trials and Qualifications of Jurors

In all prosecutions in the municipal court for any offense for which the municipality, with the concurrence of the court, seeks imposition of a fine of more than Five Hundred Dollars (\$500.00), excluding court costs, or imprisonment, or both such fine and imprisonment, a jury trial shall be had unless waived by the defendant and the municipality, provided that the municipality has compiled its penal ordinances in accordance with the provisions of Sections 14-109 and 14-110 of this title. If the municipality has not compiled its ordinances as provided by law, the fine shall not exceed Fifty Dollars (\$50.00). In prosecutions for all other offenses, or in cases wherein a jury trial is waived by the defendant and the municipality, trial shall be to the court. A jury in the municipal court shall consist of six (6) jurors, five of whom may return a verdict. Jurors shall be good and lawful men or women, citizens of the county in which the court sits, having the qualifications of jurors in the district court.

Added by Laws 1977, HB 1100, c. 256, § 27-119, eff. July 1, 1978. Amended by Laws 1982, SB 366, c. 157, § 3, eff. October 1, 1982; Amended by Laws 1983, SB 176, c. 293, § 3, eff. October 1, 1983; Amended by Laws 1995, HB 1541, c. 61, § 1, eff. November 1, 1995; Amended by Laws 1997, SB 281, c. 251, § 8, eff. November 1, 1997; Amended by Laws 2006, HB 2099, c. 38, § 1, eff. November 1, 2006

Section 27-120 Selection and Summoning of Jurors

Jurors in the municipal court shall be selected pursuant to this section under the same terms and conditions as are provided for by law for the district courts, or in the alternative, pursuant to Section 18.1 of Title 38 of the Oklahoma Statutes. 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 shall be 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 corporate limits of the municipality, 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 set out by ordinance, and may be served in person by the chief of police or any member of the police force of the municipality, or may be served by the clerk of the municipal court by mail.

Laws 1977, HB 1100, c. 256, § 27-120, eff. July 1, 1978; Amended by Laws 2003, HB 1583, c. 225, § 1, eff. November 1, 2003

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Section 27-121 Fees and Mileage Paid to Jurors and Witnesses

The municipal governing body shall determine by ordinance the fees and mileage that shall be paid to jurors and witnesses in a municipal court. However, no witness fee shall be paid to any police or peace officer. The jury fee and mileage due jurors and witnesses shall be paid as provided by ordinance.

Laws 1977, HB 1100, c. 256, § 27-121, eff. July 1, 1978.

Section 27-122 Enforcement of Fines by Imprisonment

A. If a defendant who is financially able refuses or neglects to pay a fine or costs or both, payment may be enforced:

1. By imprisonment until the same shall be satisfied at the rate of Twenty-five Dollars (\$25.00) per day; or
2. In the same manner as is prescribed in subsection B of this section for a defendant who is without means to make such payment.

B. If the defendant is without means to pay the fine 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 in the county where the situs of the municipal government is located, where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. The same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor.

Added by Laws 1977, HB 1100, c. 256, § 27-22, eff. July 1, 1978; Amended by Laws 1980, HB 1413, c. 247, eff. October 1, 1980; Amended by Laws 1987, SB 292, c. 173, § 4, eff. November 1, 1987; Amended by Laws 2004, HB 2606, c. 173, § 3, eff. November 1, 2004

Section 27-122.1 Execution of Sentences

A. All sentences of imprisonment shall be executed by the chief of police of the municipality, and any person convicted of a violation of any ordinance of the municipality and sentenced to imprisonment shall be confined in the jail, farm, or workhouse of the municipality, in the discretion of the court, for the time specified in the sentence; provided, however, the court may, in lieu of imprisonment, order the defendant to engage in a term of community service without compensation. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment,

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not to exceed the maximum sentence allowable for the violation for which the defendant was convicted.

B. The judge of the municipal court imposing a judgment and sentence, at the judge's discretion, is empowered to modify, reduce, suspend, or defer the imposition of a sentence or any part thereof and to authorize probation for a period not to exceed six (6) months from the date of sentence under terms or conditions as the judge may specify. Procedures relating to suspension of the judgment or costs or both shall be as provided in Section 27-123 of Title 11 of the Oklahoma Statutes. Upon completion of the terms of probation, 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.

C. The judge of the municipal court may continue or delay imposing a judgment and sentence for a period of time not to exceed six (6) months from the date of sentence. At the expiration of this period of time the judge may allow the municipal attorney to amend the charge to a lesser offense.

D. If a deferred sentence is imposed, an administrative fee not to exceed Five Hundred Dollars (\$500.00) may be imposed as costs in the case, in addition to any deferral fee otherwise authorized by law.

Added by Laws 1987, SB 292, c. 173, § 1, eff. November 1, 1987; Amended by Laws 1990, HB 2080, c. 69, § 1, eff. September 1, 1990; Amended by Laws 1999, SB 545, c. 412, § 2, eff. November 1, 1999 (superseded document available); Amended by Laws 2004, HB 2606, c. 173, § 4, eff. November 1, 2004

Section 27-122.2 Community Service in Lieu of Fines

Whenever any person is convicted in municipal court for violation of a municipal ordinance, the court may order the defendant to a term of community service or remedial action in lieu of fine or in conjunction with imprisonment. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment, not to exceed the maximum sentence allowable for the violation for which the defendant was convicted.

Section 27-123 Suspended Judgments and Subsequent Re-arrest

Whenever any person shall be convicted in the municipal court of violating a municipal ordinance, the judge trying the cause, after sentence, may suspend the judgment or costs or both

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and allow the person so convicted to be released upon his own recognizance. Any person so released shall be required to report at such times and to such person or officer as the judge shall direct. The judge may cause a warrant to be issued for any person so released if it shall be made to appear to the judge that such person:

1. Has been guilty of the violation of any law after his release;
2. Is habitually associating with lewd or vicious persons; or
3. Is indulging in vicious habits. Upon the issuance of the warrant by the judge, the person shall be delivered forthwith to the place of confinement to which he was originally sentenced and shall serve out the full term for which he was originally sentenced.

Laws 1977, HB 1100, c. 256, § 27-123, eff. July 1, 1978.

Section 27-124 Supervision of Juveniles on Probation

In addition to the duties otherwise provided by law, the judge of each municipal court, or some other person designated by the governing body of the municipality where the court is established, 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.

Laws 1977, HB 1100, c. 256, § 27-124, eff. July 1, 1978.

Section 27-125 Contempt of Court

The judge of each municipal court 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 Oklahoma.

Laws 1977, HB 1100, c. 256, § 27-125, eff. July 1, 1978.

Section 27-126 Assessment of Costs and Fees

Except as provided in Section 14-111 of this title and subject to other limitations or exceptions imposed by law, the municipal governing body shall determine by ordinance the court costs and fees that may be charged and collected by the clerk of the court. Court costs shall not exceed the sum of Thirty Dollars (\$30.00) plus the fees and mileage of jurors and witnesses. The

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clerk of the court is authorized to charge and collect the fees as determined by the municipal body.

Laws 1977, HB 1100, c. 256, § 27-126, eff. July 1, 1978; Amended by Laws 1987, SB 292, c. 173, § 2, eff. November 1, 1987; Amended by Laws 1999, SB 545, c. 412, § 3, eff. November 1, 1999; Amended by Laws 2006, HB 3056, c. 61, § 3, emerg. eff. July 1, 2006; Amended by Laws 2009, HB 1800, c. 258, § 2, emerg. eff. May 22, 2009

Section 27-127 Prohibition of Double Jeopardy in District Court

When a defendant has been in jeopardy for the same or any lesser included offense in a municipal court or district court, he shall not be prosecuted in another court for the same or a lesser included offense.

Laws 1977, HB 1100, c. 256, § 27-127, eff. July 1, 1978; Amended by Laws 1980, HB 1413, c. 247, § 3, eff. October 1, 1980.

Section 27-128 Writs of Mandamus, Prohibition and Certiorari

The district court in each county wherein a municipal court is established shall have the same jurisdiction to issue to the municipal court writs of mandamus, prohibition and certiorari as the Supreme Court now has to issue such writs to courts of record.

Laws 1977, HB 1100, c. 256, § 27-128, eff. July 1, 1978.

Section 27-129 Appeals to the District Court for a Trial De Novo

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 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 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.

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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.

Added by Laws 1977, HB 1100, c. 256, § 27-129, eff. July 1, 1978; Amended by Laws 1980, HB 1413, c. 247, § 4, eff. October 1, 1980; Amended Laws 1982, SB 366, c. 157, § 4; Amended by Laws 1983, SB 176, c. 293, § 4, operative October 1, 1983; Amended by Laws 1995, HB 1541, c. 61, § 2, eff. November 1, 1995; Amended by Laws 1997, SB 281, c. 251, § 9, eff. November 1, 1997; Amended by Laws 2004, HB 2606, c. 173, § 5, eff. November 1, 2004; Amended by Laws 2004, HB 2365, c. 363, § 1, eff. November 1, 2004; Laws 2004, HB 2606, c. 173, § 5 repealed by Laws 2005, HB 1654, c. 386, § 5, eff. November 1, 2005

Section 27-130 District Attorney to Defend Appeals in Certain Cases

The district attorney, and his assistants, shall defend any appeal from a municipal court in his district that has no municipal attorney who is paid a salary in excess of a rate of Three Thousand Six Hundred Dollars (\$3,600.00) per annum.

Laws 1977, HB 1100, c. 256, § 27-130, eff. July 1, 1978.

Section 27-131 Supreme Court Authority Over the Municipal Courts and Appeals

The Supreme Court is authorized to issue orders of statewide application relative to procedures in and practices before the municipal courts and appeals therefrom, subject to the provisions of this article, and under its general superintending control of all inferior courts, shall have the power and authority by and through the Chief Justice of the Supreme Court, to call annual conferences of the judges of the municipal courts of Oklahoma to consider matters calculated to bring about a speedier and more efficient administration of justice.

Laws 1977, HB 1100, c. 256, § 27-131, eff. July 1, 1978.

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Section 27-132 Appeals to the Court of Criminal Appeals after Appeal to District Court

An appeal may be taken to the Court of Criminal Appeals from the final judgment or order of a district court in an appeal from a final judgment of a municipal court in the same manner and to the same extent that appeals are taken from a district court to the Court of Criminal Appeals.

Laws 1978, HB 1100, c. 248, § 1, eff. July 1, 1978.

**Title 11 Oklahoma Municipal Code
Article 14. Municipal Ordinances
Section 14-111 Enforcement and Penalties for Violation of Municipal Ordinances**

Section 14-111 Enforcement and Penalties for Violation of Municipal Ordinances

A. The governing body of a municipality may provide for enforcement of its ordinances and establish fines, penalties, or imprisonment, as authorized by subsections B through D of this section, for any offense in violation of its ordinances, which shall be recoverable together with costs of suit. The governing body may provide that any person fined for violation of a municipal ordinance who is financially able but refuses or neglects to pay the fine or costs may be compelled to satisfy the amount owed by working on the streets, alleys, avenues, areas, and public grounds of the municipality, subject to the direction of the street commissioner or other proper officer, at a rate per day as the governing body may prescribe by ordinance, but not less than Fifty Dollars (\$50.00) per day for useful labor, until the fine or costs are satisfied.

B. 1. Except for municipal ordinances related to prostitution and as otherwise provided in this section, cities having a municipal criminal court of record may enact ordinances prescribing maximum fines of One Thousand Two Hundred Dollars (\$1,200.00) and costs or imprisonment not exceeding six (6) months or both the fine and imprisonment, but shall not have authority to enact any ordinance making unlawful an act or omission declared by state statute to be punishable as a felony. Cities having a municipal criminal court of record may enact ordinances prescribing maximum fines of One Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding six (6) months or both such fine and imprisonment for violations of municipal ordinances regulating the pretreatment of wastewater and regulating stormwater discharges. Cities having a municipal criminal court of record may enact ordinances prescribing maximum fines of One Thousand Two Hundred Fifty Dollars (\$1,250.00) and costs or imprisonment not exceeding six (6) months or both such fine and imprisonment for alcohol-related or drug-related traffic offenses. The court shall remit Fifty Dollars (\$50.00) of each alcohol fine or deferral fee

to a fund of the municipality that shall be used to defray costs for enforcement of laws relating to juvenile access to alcohol, other laws relating to alcohol and other intoxicating substances, and traffic-related offenses involving alcohol or other intoxicating substances.

2. For violations of municipal ordinances relating to prostitution, including but not limited to engaging in prostitution or soliciting or procuring prostitution, a municipal criminal court of record may enact ordinances prescribing an imprisonment not to exceed six (6) months, and fines as follows: a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) upon the first conviction for violation of any such ordinances, a fine of not more than Five Thousand Dollars (\$5,000.00) upon the second conviction for violation of any of such ordinances, and a fine of not more than Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or subsequent convictions for violation of any of such ordinances, or both such fine and imprisonment as well as a term of community service of not less than forty (40) nor more than eighty (80) hours.

C. Municipalities having a municipal court not of record may enact ordinances prescribing maximum fines pursuant to the provisions of this subsection. A municipal ordinance may not impose a penalty, including fine or deferral fee in lieu of a fine and costs, which is greater than that established by statute for the same offense. The maximum fine or deferral fee in lieu of a fine for traffic-related offenses relating to speeding or parking shall not exceed Two Hundred Dollars (\$200.00). The maximum fine or deferral fee in lieu of a fine for alcohol-related or drug-related offenses shall not exceed Eight Hundred Dollars (\$800.00). For all other offenses, the maximum fine or deferral fee in lieu of a fine shall not exceed Seven Hundred Fifty Dollars (\$750.00). The court shall remit Fifty Dollars (\$50.00) of each alcohol fine or deferral fee to a fund of the municipality that shall be used to defray costs for enforcement of laws relating to juvenile access to alcohol, other laws relating to alcohol and other intoxicating substances, and traffic-related offenses involving alcohol or other intoxicating substances. The ordinances may prescribe costs pursuant to the provisions of Section 27-126 of this title or imprisonment not exceeding sixty (60) days or both the fine and imprisonment; provided, that municipalities having only a municipal court not of record shall not have authority to enact any ordinance making unlawful any act or omission declared by state statute to be punishable as a felony; provided further, that municipalities having a municipal court not of record may enact ordinances prescribing maximum fines of One Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding ninety (90) days or both such fine and imprisonment for violations of municipal ordinances regulating the pretreatment of wastewater and regulating stormwater discharges. If imprisonment is available for the offense, then that person charged shall have a right to a jury trial.

D. Municipalities having both municipal criminal courts of record and municipal courts not of record may enact ordinances, within the authority of this section, for each court.

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E. No municipality may levy a fine or deferral fee in lieu of a fine of over Fifty Dollars (\$50.00) until it has compiled and published its penal ordinances as required in Sections 14-109 and 14-110 of this title.

F. No municipality may levy a fine of more than Ten Dollars (\$10.00) nor court costs of more than Fifteen Dollars (\$15.00) for exceeding the posted speed limit by no more than ten (10) miles per hour upon any portion of the National System of Interstate and Defense Highways, federal-aid primary highways, and the state highway system which are located on the outskirts of any municipality as determined in Section 2-117 of Title 47 of the Oklahoma Statutes.

Laws 1977, c. 256, § 14-111, eff. July 1, 1978; Laws 1980, c. 247, § 1, eff. Oct. 1, 1980; Laws 1982, c. 157, § 1; Laws 1983, c. 293, § 1, operative Oct. 1, 1983; Laws 1990, c. 141, § 1, eff. Sept. 1, 1990; Laws 1998, c. 322, § 3, eff. Nov. 1, 1998; Laws 1999, c. 412, § 1, eff. Nov. 1, 1999; Laws 2002, c. 120, § 5, emerg. eff. April 19, 2002; Laws 2004, c. 173, § 1, eff. Nov. 1, 2004; Laws 2006, c. 61, § 2, eff. July 1, 2006; Laws 2008, c. 413, § 1, eff. Nov. 1, 2008.