

Court

PART 6

COURT

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SECTION 6-101      DEFINITIONS.

As used in this chapter:

1. "Chief of police" means the peace officer in charge of the police force of the town;
2. "Clerk" means the court clerk as appointed by the town, 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 criminal court of this town;

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4. "Judge" means the judge of the municipal criminal court, including any acting judge or alternate judge thereof as provided for by the statutes of this state and this chapter; and

5. "This judicial district" means the district court judicial district of the state wherein the government of this town is situated.

State Law Reference: Municipal courts generally, 11 O.S. Secs. 27-101 et seq.

### SECTION 6-102      PURPOSE.

This chapter shall govern the organization and operation of the municipal criminal court of the town, as put into operation by resolution duly passed and filed in accordance with law, as authorized by state statutes. To the extent of conflict between any provisions of this chapter and the provisions of any other ordinance of this town, the provisions of this chapter shall control.

### SECTION 6-103      JURISDICTION.

The court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of this town is charged, including any such prosecutions transferred to the court in accordance with applicable law.

### SECTION 6-104      CHANGE OF VENUE; DISQUALIFICATION OF JUDGE.

In prosecutions before the court, no change of venue shall be allowed. The judge before whom the case is pending may certify his disqualification or he may be disqualified from sitting under the terms, conditions and procedure provided by law for courts of record. If a judge is disqualified, the matter shall be heard by an acting judge, appointed as provided in this chapter.

### SECTION 6-105      CHIEF OF POLICE AS PRINCIPAL OFFICER OF COURT.

All writs or processes of the court shall be directed, in his official title, to the chief of police, who shall be the principal officer of the court.

### SECTION 6-106      CLERK OF COURT; DUTIES.

- A. The town clerk or a deputy designated by him shall be the clerk of the court.
- B. The clerk shall:
  - 1. Assist the judge in recording the proceedings of the court and in preparing writs, processes and other papers;
  - 2. Administer oaths required in proceedings before the court;
  - 3. Enter all pleadings, processes and proceedings in the dockets of the courts;
  - 4. Perform such other clerical duties relating to the proceedings of the court as the judge shall direct; and
  - 5. Receive any receipt for forfeitures, fees, deposits and sums of money payable to the court and as may be established by the court or the town board of trustees.

C. The clerk shall pay to the treasurer of the town all money so received by him, except such special deposits or fees as shall be received to be disbursed by him for special purposes. All money paid to the treasurer shall be placed in the general fund of the town, or in such other fund as the board of trustees may direct.

SECTION 6-107      TOWN ATTORNEY; POWERS AND DUTIES.

The town attorney or his duly designated assistant may be the prosecuting officer of the court. He may prosecute, in his discretion, all alleged violations of the ordinances of the town. He shall be authorized, in his discretion, to prosecute and resist appeals, proceedings in error and review from this court to any other courts of the state, and to represent this town in all proceedings arising out of matters in this court.

SECTION 6-108      BOND.

The clerk of the court shall give bond in such sum as set by the board of trustees, in the form provided by state law. When executed, the bond shall be submitted to the board of trustees for approval. When approved, it shall be filed with the town clerk and retained in the municipal archives.

SECTION 6-109      AUTHORITY OF JUDGE TO PRESCRIBE RULES.

The judge may prescribe rules, consistent with the laws of the state and with the ordinances of this town, for the proper conduct of the business of the court.

SECTION 6-110      TRAFFIC VIOLATIONS BUREAU CREATED; PAYMENT OF FINES, FINES IN LIEU OF APPEARANCE.

A. A traffic violations bureau is established as a division of the office of the clerk of the court, to be administered by the clerk or by subordinates designated for that purpose. Persons who are cited for violation of one of the traffic ordinances of this town, other than a driver's license offense, or an offense punishable by more than One Hundred Dollars (\$100.00), may elect to pay a fine in the violations bureau according to a schedule of fines prescribed from time to time by the town board of trustees. The payment shall constitute a final determination of the cause against the defendant.

B. The court may adopt rules to carry into effect this section. If a defendant who has elected to pay a fine under this section fails so to do, prosecution shall proceed under the provisions of this chapter.

SECTION 6-111      SCHEDULE OF FINES.

The town board of trustees may establish a minimum fine schedule. The minimum fine schedule when established shall provide for a minimum amount which a person may pay upon a plea of guilty or nolo contendere to the listed offenses. The minimum fine schedule shall include fine, court costs and any assessments set by state law within the specified amount. Upon plea of guilty or nolo contendere and payment of the required minimum fine prior to the date scheduled for court appearance, no further court appearance shall be required. The judge may authorize the court clerk to accept pleas of guilty and nolo contendere where the amount of the minimum fine is paid at the time of such plea and prior to the scheduled court appearance date.

Cross Reference: See Latest Fine Schedule on file with the town clerk.

SECTION 6-112      PROSECUTIONS; FILING OF COMPLAINT, FEES, DEFECTS RAISED PRIOR TO TRIAL.

A. All prosecutions for violation of ordinances of this town shall be styled "The Town of Disney, Oklahoma vs. (naming defendant or defendants)." Except as provided hereinafter, prosecutions shall be initiated by the filing of a written complaint, subscribed and verified by the person making the complaint, and setting forth concisely the offense charged.

B. There is no duty on the part of the town or any of its officers or employees to formally prosecute actions in the court. In the absence of a prosecuting officer, the judge shall proceed with the case and hear evidence and examine witnesses in such manner as he may deem necessary to effect justice.

C. Any person, except a police officer or other employee of the town, filing a criminal offense complaint in the municipal court shall deposit with the clerk of the court, unless waived by order of the court, the court cost fee as provided in this chapter. The court costs so-deposited by such a complainant shall be refunded to the complainant or person depositing same upon conviction or acquittal of the defendant; the court costs shall not be refunded if the charges are dismissed at the request of the complainant who made the deposit because the complainant fails or refuses to appear in court to testify or aid in the prosecution of the charge filed by such complainant.

D. All defects in the form or substance apparent on the face of a complaint charging a violation of an ordinance of this town, and being grounds for motion or demur, may only be raised by an accused in writing and prior to trial.

E. A complaint may be amended in matter of substance or form at any time before the defendant pleads, without leave, and may be amended after plea or order of the court where the same can be done without material prejudice to the rights of the defendant. No amendment shall cause any delay of the trial, unless good cause is shown by affidavit.

SECTION 6-113      ORDINANCE VIOLATIONS; PROCEDURES FOR ISSUING CITATION; CUSTODY, ARREST.

A. If a resident of this town is arrested by a law enforcement officer for the violation of any traffic ordinance for which other provisions of this chapter do not apply, or is arrested for the violation of a nontraffic ordinance, the officer shall immediately release the person if the person acknowledges receipt of a citation by signing it. However, the arresting officer need not release the 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 an offense against a person or property. If the person fails to appear in response to the citation, a warrant shall be issued for his arrest and his appearance shall be compelled.

B. If the arrested resident is not released by being permitted to sign a citation as provided in this subsection, he shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance.

C. If a nonresident of this town is arrested by a law enforcement officer for a violation of any ordinance for which Section 6-114 of this code does not apply, the defendant shall be

eligible to be admitted to bail either before or after arraignment.

D. If the alleged offense be a violation of an ordinance restricting or regulating the parking of vehicles, including any regulations issued under such an ordinance, and the operator be not present, the police officer shall place on the vehicle, at a place reasonably likely to come to the notice of the operator, a citation conforming substantially to that prescribed in this section, with such variation as the circumstances require, the operator of this vehicle shall be under the same obligation to respond to the citation as if it had been issued to him personally under Subsection A of this section.

SECTION 6-114      TRAFFIC BAIL BOND ACT

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 officer solely for a misdemeanor violation of a state traffic law or municipal traffic ordinance shall be released by the arresting officer upon personal 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 which is a party to the Nonresident Violator Compact, 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 actual 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:

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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 drivers 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 drivers license, shall be as required in state law, Sections 1115.1 through 1115.5 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 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 Public 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.



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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 receives 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 6-115      ISSUANCE OF SUMMONS; FAILURE TO APPEAR.

A. Upon the filing of a complaint charging violation of an 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, 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 day certain, containing a provision for the official return of the summons, and including such other pertinent information as may be necessary.

B. The summons shall be served by delivering a copy to the defendant personally or by certified mail. If he fails to appear and to answer the summons within the prescribed period, a warrant shall be issued for his arrest, as provided by this chapter.

C. Any person who has been duly served with a summons or traffic citation and who has signed a written promise to appear in court as directed in the summons or the citation or as

subsequently directed by the court, and who fails to appear pursuant to his written promise or as directed by the court shall be deemed guilty of an offense, which shall be punishable as provided in Section 1-108 of this code.

SECTION 6-116      FAILURE TO APPEAR ACCORDING TO TERMS OF BOND, BOND FORFEITURE, BENCH WARRANT.

A. 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 judge may be lawfully required or ordered, the judge may direct that fact to be entered upon the court minutes, thereby declaring the bond to be forfeited. The judge may also order a bench warrant to be issued for the defendant as provided in this chapter.

B. The judge, without advancing court costs, may also cause the forfeiture to be certified to the district court of the county, where it shall be entered upon the judgment docket and shall have the full force and effect of a district court judgment. At such time as the forfeiture is entered upon the district court judgment docket, the district court clerk shall proceed in accordance with the provisions of Sections 1330, 1332, 1333 and 1335 of Title 5 of the Oklahoma Statutes, and a surety shall have all remedies available under the provisions of Sections 1108 of Title 22 of the Oklahoma Statutes and Sections 1301 through 1340 of Title 5 of the Oklahoma Statutes.

C. Court costs shall be collectible from the proceeds of the bond.

State Law Reference: Similar provisions, 11 O.S. Sec. 27-118.

SECTION 6-117      COMPLAINANT, WITNESSES, FAILURE TO APPEAR.

No person, having signed a complaint in the municipal court of the town alleging the violation of an ordinance or any other person in response to an order of the court, shall fail, refuse or neglect to appear for the purpose of testifying as a witness at the trial of the case, after having been notified of the time, date and place at which the case is set for trial.

SECTION 6-118      ISSUANCE OF WARRANT.

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

The Town of Disney, Oklahoma to the police chief of the Town of Disney, Oklahoma. Complaint upon oath this day has been made by (naming complainant) that the offense of (naming the offense in general terms) has been committed and accusing (name of defendant) thereof, you are commanded therefore forthwith to arrest the above named (name of defendant) and bring (insert him, her or them, as appropriate) before me, at (naming the place).

Witness my hand this \_\_\_ day of \_\_\_\_\_, 1 \_\_\_\_.

\_\_\_\_\_  
Judge of the Municipal  
Criminal Court of  
Disney, Oklahoma

B. It is the duty of the police chief personally, or through a duly constituted member of the town police force or through any other person lawfully authorized so to act, to execute the warrant as promptly as possible.

SECTION 6-119      PROCEDURES FOR BAIL OR BOND, BOND SCHEDULE.

A. Upon arrest, or upon appearance without arrest in response to citation or summons, or at any time before trial, before or after arraignment, the defendant may be eligible to be released upon giving bail for his appearance in an amount and upon conditions fixed by this chapter or the judge, who shall prescribe appropriate rules of court for the receipt of bail and release of the defendant. In case of arrests made at night or under other conditions of emergency or when the judge is not available, the rules shall authorize the chief of police, or his designated representative, to accept a temporary cash bond of not less than Ten Dollars (\$10.00) nor more than the maximum monetary penalty provided by ordinance for the offense charged. The judge or police chief is authorized, subject to conditions as may be prescribed by the judge, to release a resident of the municipality on personal recognizance.

B. The town's bail bond schedule setting forth specific offenses and bail bond amounts and procedures therefor, as amended from time to time, is hereby adopted and incorporated herein by reference.

State Law Reference: Acceptable methods of bail, 11 O.S. Sec. 27-117 (cash, guaranteed arrest bond certificate).

SECTION 6-120      ARRAIGNMENT.

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

SECTION 6-121      POSTPONEMENT OF TRIAL.

Before trial commences, either party, upon good cause shown, may obtain a reasonable postponement thereof.

SECTION 6-122      DEFENDANT'S PRESENCE REQUIRED AT TRIAL.

The defendant must be present in person at the trial of his case in court.

SECTION 6-123      PROCEDURE FOR TRIALS NOT WITHIN SCOPE OF CHAPTER.

In all trials, as to matters not covered in this chapter, by the statutes relating to municipal criminal courts, or by rules duly promulgated by the state supreme court, the procedure applicable in trials of misdemeanors in the district courts shall apply to the extent that they can be made effective.

SECTION 6-124      RIGHT TO TRIAL BY JURY, WAIVER.

A. In all prosecutions for violations of ordinances punishable by fine of more than Two Hundred Dollars (\$200.00), or by imprisonment, or by both fine and imprisonment, trial shall be by jury unless waived by the defendant. If trial by jury is waived, trial shall be by the court.

B. 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.

C. 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 recharged so as again to demand trial by jury.

SECTION 6-125      JUDGMENT.

At the close of trial, judgment must be rendered without undue delay by the judge, who shall cause it to be entered in his docket:

1. If judgment is of acquittal, and the defendant is not to be detained for any other legal cause, he must be discharged at once;

2. If the defendant pleads guilty or is convicted after trial, the court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable ordinance and imposing sentence accordingly; and

3. A judgment that the defendant pay a fine may direct also that he be imprisoned until the fine is satisfied, as provided in Section 6-129 of this code.

SECTION 6-126      JUDGMENT OF IMPRISONMENT.

If, after conviction, judgment of imprisonment is entered, a copy thereof, certified by the clerk, shall be delivered to the chief of police, the sheriff of the county, or other appropriate officer. Such copy shall be sufficient warrant for execution of the sentence.

SECTION 6-127      SUSPENSION OR DEFERMENT OF JUDGMENT, POWERS.

A. The judge of the court in imposing a judgment and 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 the person to be released upon his own recognizance for a period not to exceed six (6) months from the date of the sentence, under such terms or conditions as the judge may specify. The judge may, with the consent of the defendant, defer further proceedings, after a verdict, finding or plea of guilty, but before passing a judgment of guilt and imposing a fine, and place the defendant on probation for a period not to exceed six (6) months, under such terms and conditions as prescribed by the court, which may include, but not be limited to, work on the streets, parks or other town-owned or maintained projects, with proper supervision.

B. A defendant is not entitled to a deferred sentence if the defendant has been previously convicted of a felony.

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C. Upon a finding of the court that the conditions of release have been violated, the municipal judge may enter a judgment of guilty and may cause a warrant to be issued for the defendant.

D. Upon the issuance of the warrant or judgment of guilty being entered, the person shall be delivered forthwith to the place of confinement to which he is sentenced and shall serve out the full term or pay the full fine for which he was originally sentenced as may be directed by the judge.

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

F. If a deferred sentence is imposed, an administrative fee of One Hundred Dollars (\$100.00) may be imposed as costs in the case. The court may make payment of the fee a condition of granting or continuing the imposition of a sentence, if the defendant is able to pay.

G. The court may also require restitution and in the event there was damage done to public or private property during the commission of the offense, the court may require the defendant to repair or replace such damaged property as a condition to a deferred sentence as may be directed by the court.

State Law Reference: Similar provisions, 11 O.S. Sec. 27-123.

### SECTION 6-128

### PAYMENT OF COSTS BY DEFENDANT

If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant in the maximum sum permitted by state law, plus the fees and mileage of jurors and witnesses, all of which the defendant shall pay, in addition to any fine that may be imposed.

State Law Reference: Maximum amount of court costs, 11 O.S. Sec. 27-126; Penalty on assessment for police training, 20 O.S. Sec. 1313.1.

### SECTION 6-129

### ENFORCEMENT OF FINES AND COSTS, IMPRISONMENT, WORK AND COMMUNITY SERVICE

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 Twenty-Five Dollars (\$25.00) per day or per annual contract with county.

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 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 as are available to any other judgment creditor.

C. All prisoners confined to jail on conviction or on plea of guilty may be compelled, if their health permits, to work on community projects, the public streets, avenues or ways, public buildings or other public premises or property. For each day of such work, the prisoner or defendant shall be credited for two (2) days of imprisonment toward any fine or costs or witness

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Or juror fees or mileage until the same are satisfied.

D. The town shall direct where the work shall be performed. The appropriate officer shall oversee the work. If a guard is necessary, the chief of police shall make provision therefor.

State Law Reference: Similar provisions, 11 O.S. Sec. 27-122; Community service, powers to direct, liability of town limited, 57 O.S. Secs. 227, 228.

### SECTION 6-130                    SAME OFFENSE PUNISHABLE BY DIFFERENT SECTIONS OF THE CODE.

In all cases where the same offense is made punishable or is created by different sections of this code, the town attorney may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.

### SECTION 6-131                    CONTEMPT OF COURT.

Obedience to the orders, rules and judgments made 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 this state.

### SECTION 6-132                    PENALTY ASSESSMENTS.

A. Any person;

1. Convicted of an offense punishable by a fine of Twenty Dollars (\$20.00) or more to by imprisonment, excluding parking and standing violations; or

2. Forfeiting bond when charged with such an offense under paragraph one hereof, shall pay a sum as set by state law as a separate penalty assessment for law enforcement training, and as a separate fingerprinting fee, which shall be in addition to and not in substitution for any and all fines and penalties and costs otherwise provided for such offense. The court shall provide for separate bail for the assessments; however, a defendant admitted to bail on an undertaking by a surety may include the amount of the assessment in the undertaking.

B. Upon conviction or bond forfeiture, the court shall collect the assessment and deposit the monies for payment as required by state law.

C. At the end of every quarter the town shall deposit with the Oklahoma State Treasury the funds deposited in the law enforcement training funds and the A.F.I.S. (automated fingerprint identification) Fund as required by law. The court clerk shall also furnish to the State Treasury reports required on the funds collected and penalty assessments imposed each quarter.

D. For the purpose of this section, "conviction" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred or suspended sentence or judgment.

State Law Reference: Similar provisions, 20 O.S. Sec. 1313.1 through 1313.3.

Court

SECTION 6-133

FINES RECOVERABLE BY CIVIL ACTION; FAILURE TO PAY SEPARATE  
OFFENSE, IMPRISONMENT.

- A. All fines shall be recoverable by civil action before any court of competent jurisdiction in addition to any other method provided by law.
- B. The failure to pay a fine levied pursuant to this code shall constitute a separate offense against the town, subject to a fine as provided in Section 1-108 of this code.
- C. If a fine is not paid by the defendant, the fine may be collected by committing the defendant to the county jail, where he shall remain until his fine any costs assessed against him are discharged, either by payment or by confinement in jail, or by working in accordance with other provisions of this code or state law.

Court



Court

CHAPTER 2

JUDGE

Section 6-201	Judge; created; qualifications.
Section 6-202	Term of office of judge.
Section 6-203	Appointment of judge, alternate judge.
Section 6-204	Acting judge.
Section 6-205	Compensation.
Section 6-206	Removal of judge from office.
Section 6-207	Vacancy.

SECTION 6-201      JUDGE; CREATED; QUALIFICATIONS.

There shall be one judge of the court. A judge need not be a licensed attorney at law, but, if not, he must be a resident of this town of the age of twenty-one (21) years, possessed of good moral character. A judge who is a licensed attorney 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 subject of proceedings therein.

SECTION 6-202      TERM OF OFFICE OF JUDGE.

The official term of the judge shall be two (2) years, expiring on the thirty-first (31st) day of January in each odd-numbered year.

SECTION 6-203      APPOINTMENT OF JUDGE, ALTERNATE JUDGE.

A. Judges shall be appointed by the mayor with the consent of the town board of trustees. A proposed appointment shall be submitted in writing to the town board of trustees at the next to the last regularly scheduled meeting prior to the day upon which the appointment is to take effect, and shall be acted upon at the next regularly scheduled meeting. The town board of trustees may decide upon the proposed appointment by a majority vote of all the members of the board of trustees. Failure of decision upon a proposed appointment shall not prevent action thereon at a later regularly scheduled meeting of the board of trustees unless the mayor, in writing, withdraws the proposed appointment.

B. There may 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 judge of the court in any case if the judge is absent from court, unable to act as judge, or disqualified from acting as judge in the case.

SECTION 6-204      ACTING JUDGE.

If at any time there is no judge duly appointed and qualified available to sit as judge, a person possessing the qualifications required by this chapter for the judge shall be appointed as acting judge. The acting judge 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.

## Court

### SECTION 6-205      COMPENSATION.

A judge shall receive such salary as may be established and shall be paid as established by the town.

### SECTION 6-206      REMOVAL OF JUDGE FROM OFFICE.

A. Judges shall be subject to removal from office by the board of trustees for the causes prescribed by the constitution and laws of this state for the removal of public officers. Proceedings for removal shall 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 the mayor, or twenty-five (25) or more qualified electors of this town. In the latter event, verification may be executed by one or more of the petitioners.

B. The board of trustees 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 representation by counsel, to present testimony and to cross-examine the witnesses against him, and to have all evidence against him presented in open hearing.

C. So far as can be made applicable, the provisions of the Oklahoma Administrative Procedure Act governing individual proceedings (Title 75, Oklahoma Statutes, Sections 30-317 and any amendments or additions thereto in effect at the time of the hearing) shall govern removal proceedings hereunder.

D. Judgment of removal shall be entered only upon individual votes, by a majority of all members of the board of trustees, in favor of such removal.

### SECTION 6-207      VACANCY.

A. A vacancy in the office of judge shall occur if the incumbent:

1. Dies;
2. Resigns;
3. Ceases to possess the qualifications for the office; or
4. Is removed, and the removal proceeding has been affirmed finally in judicial proceedings or is no longer subject to judicial review.

B. Upon the occurrence of a vacancy in the office of judge, the mayor shall appoint a successor to complete the unexpired term, upon the same procedure as an original appointment is made.