

Chapter 12

MUNICIPAL COURT

Article 1. Municipal Court

Sec. 12-1-1. Court created.

This article shall govern the organization and operation of the Municipal Criminal Court of the City of Chickasha, Oklahoma, as put into operation by resolution duly passed on the 9th day of January, 1969, and filed in accordance with law, as authorized by Title 11, Oklahoma Statutes, sections 958.1, 958.2. To the extent of conflict between any provisions of this article and the provisions of any other ordinance of the City of Chickasha, Oklahoma, the provisions of this article shall control. Said court shall be operative on and after the 20th day of January 1969.

(Code 1972, 5 12-1.)

Sec. 12-1-2. Definitions.

As used in this article, unless the context requires a different meaning, the following words shall mean:

- (1) "Court" means the Municipal Criminal Court of the City of Chickasha, Oklahoma.
- (2) "Judge" means the judge of the Municipal Criminal Court; aforesaid, including any acting judge or alternate judge thereof as provided for by the statutes of this state, and this article.
- (3) "Municipality" or "this municipality" means the City of Chickasha, Oklahoma.
- (4) "Clerk" means the clerk of this municipality, including any deputy or member of the office staff of the clerk while performing duties of the clerk's office.
- (5) "Governing body" means the mayor and council members of the City of Chickasha, Oklahoma.
- (6) "Chief of Police" means the peace officer in charge of the police force of the municipality.
- (7) "This judicial district" means the district court judicial district of the State of Oklahoma wherein the government of this municipality is situated. *(Code 1972, § 12-2.)*

Sec. 12-1-3. Jurisdiction.

The court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of this municipality is charged, including any such prosecutions transferred to the court in accordance with applicable law. *(Code 1972, § 12-3.)*

Sec. 12-1-4. Judge.

There shall be at least one (1) judge of the court. A judge must be duly licensed to practice law in the State of Oklahoma. He/she may engage in the practice of law in other courts, but he/she shall not accept employment inconsistent with his/her 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. He/she must be a resident of this municipality. He/she may serve as judge of other municipal criminal courts, if such service may be accomplished consistently with his/her duties as judge of this court, with the consent of the mayor and council members. If all licensed attorneys residing within Grady County, Oklahoma, certify to the clerk that they are not willing to accept appointment as judge, a resident of this municipality of the age of twenty-one (21) years, possessed of good moral character, may be appointed judge. *(Code 1972, § 12-4.)*

Sec. 12-1-5. Term of judge.

The official term of the judge shall be two (2) years, expiring on the 31st day of December in each even numbered year. Each judge, unless sooner removed for proper cause, shall serve until his/her successor is appointed and qualified, provided that the judge of the municipal

court existing in this municipality at the effective date of this article shall act as judge of the court herein provided for until a judge is appointed and qualified under the terms of this article. (Code 1972, § 12-5.)

Sec. 12-1-6. Alternate judge.

There shall be appointed, for each judge of the court, an alternate judge, possessed of the same qualifications as the judge. His/her appointment shall be for the same term and made in the same manner as the judge. He/she 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;
- (3) disqualified from acting as judge in the case. (Code 1972, § 12-6.)

Sec. 12-1-7. Acting judge.

If, at any time, there is no judge or alternate judge, duly appointed and qualified, available to sit as judge, the mayor of the City of Chickasha shall appoint some person, possessing the qualifications required by this article 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. (Code 1972, § 12-8.)

Sec. 12-1-8. Appointment of judges.

Judges and alternate judges shall be appointed by the mayor with the consent of the governing body. A proposed appointment shall be submitted in writing to the governing body 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 governing body may decide upon the proposed appointment by a majority vote or a quorum present and acting. Failure of decision upon a proposed appointment shall not prevent action thereon at a later regularly scheduled meeting of the governing body, unless the mayor, in writing, withdraws the proposed appointment. (Code 1972, § 12-8.)

Sec. 12-1-9. Salary of judge.

- (a) A judge, other than alternate judge or an acting judge, shall receive a salary to be fixed by the municipality and paid in the same manner as the salary of other officials of this municipality.
- (b) An alternate judge or an acting judge shall be paid a salary to be fixed by the municipality for each day devoted to the performance of his/her duties, except that, for any month, the total payments so calculated shall not exceed the salary of the judge in whose stead he/she sits. An alternate or acting judge who sits for an entire month shall receive the amount specified in this article as the salary of the judge in whose stead he/she sits. (Code 1972, § 12-9.)

Sec. 12-1-10. Removal of judges.

Judges shall be subject to removal from office, by the governing body, 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:

- (1) the mayor of the City of Chickasha,
- (2) twenty-five (25) or more qualified electors of this municipality; in the latter event, verification may be executed by one or more of the petitioners.

- (a) The governing body 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
 - (1) to representation by counsel;
 - (2) to present testimony and to cross-examine the witnesses against him/her, and;
 - (3) to have all evidence against him/her presented in open hearing.
- (b) So far as they can be made applicable, the provisions of the Oklahoma Administrative Procedure Act governing individual proceedings (Title 75, Oklahoma Statutes, Sections 309-317 and any amendments or additions thereto in effect at the time of the hearing) shall govern removal proceedings hereunder. Judgment of removal shall be entered only upon individual votes, by a majority of all members of the governing body, in favor of such removal. *(Code 1972, § 12-10.)*

Sec. 12-1-11. Vacancies.

- (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 of the City of Chickasha shall appoint a successor to complete the unexpired term upon the same procedure as an original appointment is made. *(Code 1972, 12-11.)*

Sec. 12-1-12. No change of venue; disqualifications.

In prosecutions before the court no change of venue shall be allowed; but the judge, before whom the case is pending, may certify his/her disqualification or he/she may be disqualified from sitting under the terms, conditions and procedures 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 article. *(Code 1972, 12-12.)*

Sec. 12-1-13. Chief of police.

All writs or process of the court shall be directed, in his/her official title, to the chief of police of this municipality, who shall be the principal officer of the court. *(Code 1972, 12-13.)*

Sec. 12-1-14. Clerk of court.

- (a) The city manager shall appoint one (1) person as court clerk and as many persons as deputy court clerks and assistant court clerks as are required for the adequate transaction of the business of the court.
- (b) The court clerk shall work under the daily supervision of the chief of police.
- (c) All clerks shall give bond as prescribed in 11 O.S. 1981, Section 27-111 in the sum of fifteen thousand dollars (\$15,000.00), such bonds to be approved by the city council.
- (d) The court 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 relating to the court proceedings as the judge shall direct;
 - (4) Receive and give receipt for all fines, forfeitures, and fees payable in the court;

- (5) Daily deliver all fees, fines, and forfeitures payable to the court to the city clerk, who shall deposit the same in the general fund;
- (6) Disburse any funds in the court's custody upon vouchers as directed by the council of the city;
- (7) Be responsible for the administrative functions of the court as directed by the city manager. *(Ord. No. 98-03, 02/16/98).*
- (e) Eight dollars (\$8.00) of each fine shall be designated for use in law enforcement, training pursuant to Section 1-8-4 of these ordinances and pursuant to C.L.E.E.T. requirements for annual continuing education and training of law enforcement personnel. *(Ord. 91-15, 07/25/1991.) (Ord. No. 2000-08, 03/20/2000.)*
- (f) Eight dollars (\$8.00) of each fine, where an ambulance has been dispatched to an accident shall be designated for continuing education and training of fire and ambulance personnel and other related needs and uses as may be deemed appropriate. *(Ord. No. 2000-08, 03/20/2000.)*

Sec. 12-1-15. City attorney.

The attorney for this municipality, or his/her duly designated assistant, may, as hereinafter set forth, be the prosecuting officer of the court. He/she shall prosecute alleged violations of the ordinances of the city filed on behalf of the city-by-city employees or officers. He/she shall be authorized, in his/her 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 municipality in all proceedings arising out of matters in this court, which directly result from complaints filed on behalf of the city, by city employees or officers. *(Ord. No. 1886, 8/13/87)*

Sec. 12-1-16. Clerk's bond.

The clerk of the court shall give bond, in the form provided by Oklahoma Statutes, Sec. 27-111 of Title 11, in an amount to be fixed by the municipality. When executed, said bond shall be submitted to the governing body for approval. When approved, it shall be filed with the clerk of this municipality and retained in the municipal archives. *(Code 1972, Sec. No. 12-16.)*

Sec. 12-1-17. Judge may prescribe rules.

The judge may prescribe rules, consistent with laws of the state and with the ordinances of this municipality, for the proper conduct of the business of the court. *(Code 1972, Sec. No. 12-17.)*

Sec. 12-1-18. Contempt.

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/her while holding court, or committed against process issued by him/her, in the same manner and to the same extent as the district courts of this state. *(Code 1972, Sec. No. 12-18.)*

Sec. 12-1-19. Style of prosecutions.

All prosecutions for violation of ordinances of this municipality shall be styled "The City of Chickasha v. _____". 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. *(Code 1972, Sec. No. 12-19.)*

Sec. 12-1-20. Traffic violation.

- (a) If a police officer observes facts which he/she believes constitute a violation of the traffic ordinances of this municipality committed by any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement officer solely for a violation of a municipal traffic ordinance, such person 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 Oklahoma, another state jurisdiction within the United States, or any party jurisdiction of 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, or
 - (b) negligent homicide; or
 - (c) driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances, or
 - (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, or
 - (f) an arrest based upon an outstanding warrant, or
 - (g) a traffic violation coupled with any offense stated in subparagraphs (a) through (f) of this subsection, or
 - (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 in written form prescribed by the city manager or mayor, or his/her duly designated delegate:
- (1) designate the traffic charge;
 - (2) record information from the arrested person's driver license on the citation form, including the name, address, date of birth, personal description, type of driver license, driver 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;
 - (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 license in Oklahoma, or in the nonresident's home state pursuant to the Nonresident Violator Compact.
- (c) The court, or the court clerk, as directed by the court, may continue or reschedule the date and time of arraignment upon request of the arrested person or his/her attorney. If the arraignment is continued or rescheduled, the arrested person shall remain on personal recognizance and written promise to appear until such arraignment, in the same manner and with the same consequences as if the continued or rescheduled arraignment was entered on the citation by the arresting officer and signed by the defendant. An arraignment may be continued or rescheduled more than one time; provided, however, the court shall require an arraignment to be held within a reasonable time. It shall remain the duty of the defendant to appear for arraignment unless the citation is satisfied as provided for in subsection (d) of this section.

- (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/she is required to appear for arraignment by indicating such plea on the copy of the citation furnished to him/her or on a legible copy thereof, together with the date of the plea and his/her signature. The defendant shall be responsible for assuring full payment of the fine and costs to the appropriate court clerk. Payment of the fine and costs may be made by personal, cashier's, traveler's, certified or guaranteed bank check, postal or commercial money order, or other form of payment approved by the court in an amount prescribed as bail for the offense. Provided, however, 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 in this article as bail for the violation.
- (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, a complaint shall be filed and the case shall be prosecuted as otherwise provided in this article, and the municipal court clerk, within one hundred twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify the Department of Public Safety that:
- (1) The defendant was issued a traffic citation and released upon personal recognizance after signing 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 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 the law.
- (f) Additionally, the court clerk shall request the Department of Public Safety to either suspend the defendant's driver license to operate a motor vehicle in this state, or notify the defendant's home state and request suspension of the defendant's driver 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 Department of Public Safety.
- (g) The court clerk shall not process the notification and request provided for in paragraph (e) of 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, or
 - (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, or
 - (3) The violation relates to parking or standing, an overweight violation, an overweight permit, or the transportation of hazardous materials,
 - (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.
- (h) The municipal court clerk shall maintain a record of each request for driver license suspension submitted to the 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 Department of the resolution of the case. The form of proof and the procedures for notification shall be approved by the 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 of Oklahoma 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.

- (i) If a resident of this municipality is arrested by a law enforcement officer for the violation of any traffic ordinance for which subsections (a) through (f) hereof do not apply, 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 the person if it reasonably appears to the officer that the person may cause injury to himself or others or damages 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 complaint shall be filed and the case shall be prosecuted as otherwise provided in this article. If the arrested resident is not released by being permitted to sign a citation as provided for in this subsection, he/she 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.
- (j) 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 subsection (a) through (f) hereof do not apply, the defendant shall be eligible to be admitted to bail whether before or after arraignment.
- (k) The amount and conditions of bail granted pursuant to the provision of subsections (g) and (h) 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. 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 to accept a temporary cash bond and a bond shall not exceed the maximum fine provided for by ordinance for each offense charged. The court official, chief of police or his/her 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.
- (l) If the defendant is not eligible for release upon personal recognizance as provided for in subsections (a) through (g) of this section, or if eligible but refuses to sign a written promise to appear, the officer shall deliver the person to an appropriate magistrate for arraignment and the magistrate shall proceed as otherwise provided for by law. If no magistrate is available, the defendant shall be placed in the custody of the appropriate jailer or custodian, to be held until a magistrate is available or bail is posted as provided for by ordinance before or after arraignment.
- (m) If a resident or nonresident is arrested for any overweight violation, a violation of a special permit exceeding authorized permit weight, or violation relating to the transportation of hazardous material, the arresting officer may release the defendant, if the defendant deposits with the arresting officer appropriate bail or payment of the fine and costs in an amount and in the form as provided for in this article, except currency.

- (1) In the event the defendant is additionally arrested for any violation for which personal recognizance is authorized pursuant to subsections (a) through (f) hereof, the arresting officer, for such additional violation, may either release the defendant upon such recognizance or require bail as provided for in this subsection.
- (2) If the defendant is unable to post bail with the arresting officer, then the officer shall proceed as otherwise provided for in this section.
- (n) Notwithstanding any other provision of law, a juvenile may be held in custody pursuant to the provision of State Statutes. Provided, however, the arresting officer shall not be required to:
- (1) Place a juvenile into custody as provided for in this section, or
- (2) Place any other traffic offender into custody:
- (a) who is injured, disabled, or otherwise incapacitated, or
- (b) if custodial arrest may require impoundment of vehicle containing livestock, perishable cargo, or items requiring special maintenance or care, or
- (c) if extraordinary circumstances exist, which, in the judgment of the arresting officer, custodial arrest should not be made. In such cases, the arresting officer may designate the date and time for arraignment on the citation and release the person. If the person fails to appear without good cause shown, the court may issue a warrant for the person's arrest.
- (3) The provisions of this subsection shall not be construed to:
- (a) create any duty on the part of the officer to release a person from custody, or
- (b) create any duty on the part of the officer to make any inquiry or investigation relating to any condition which may justify release under this subsection, or
- (c) create any liability upon any officer, or the state or any political subdivision thereof, arising from the decision to release or not to release such person from custody pursuant to the provisions of this subsection.
- (o) If the alleged offense is a violation of an ordinance restricting or regulating the parking of vehicles, including any regulations issued under such an ordinance, and the operator is not present, the police officer shall place on the vehicle, at a place reasonable 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 the vehicle shall be under the same obligation to respond to the citation as if it had been issued to him personally.
(Ord. No. 1846, 4/9/87).

Sec. 12-1-21. Complaint; summons.

- (a) Upon the filing of a complaint charging violation of an ordinance, the judge, unless he/she 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/her address or place of residence, if known, stating the offense with which he/she is charged and giving him/her notice to answer the charge in the court on a day certain, Sundays and holidays excepted, after the summons is served upon him/her, 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. If he/she fails to appear and to answer the summons within the prescribed period, a warrant shall be issued for his/her arrest, as provided by this article.

- (c) Any complaint filed by a citizen, or person, other than an officer or employee of the City of Chickasha filing a complaint on behalf of the City of Chickasha, shall be required to pay to the municipal court clerk an administrative filing fee of twenty-three dollars (\$23.00) per complaint. In the event that a field officer has a citizen's complaint filed in his/her presence, it must be subscribed and sworn to by either the municipal judge or court clerk and the complaint will not be subscribed or sworn until such time as the twenty-three dollars (\$23.00) for hearing until such time as twenty-three dollars (\$23.00) administrative fee per complaint has been paid to the municipal court clerk. *(Ord. No. 1781, 3/13/86).*

Sec. 12-1-22. Warrant of arrest.

Except as otherwise provided in the ordinances of this municipality, upon the filing of a complaint approved by endorsement by the attorney of this municipality or by the judge, there shall be issued a warrant of arrest.

It shall be the duty of the aforesaid law officer, personally, or through a duly constituted member of the police force of this municipality or through any other persons lawfully authorized so to act, to execute said warrant as promptly as possible. *(Code 1972, 12-23.)*

Sec. 12-1-23. Bail.

Upon arrest, or upon appearance without arrest in response to citation or summons, or at any other time before trial, before or after arraignment, the defendant shall be eligible to be released upon giving bail for his/her appearance in an amount and upon conditions fixed by the judge, who shall prescribe appropriate rules or the court for the receipt of bail. 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/her designated representative to accept a temporary cash bond, not less than ten dollars (\$10.00) nor more than the maximum monetary penalty provided by ordinance for such offense charged. *(Code 1972, § 12-24.)*

Sec. 12-1-24. Arraignment; pleading.

Upon making his/her appearance before the court, the defendant shall be arraigned. The judge, or the attorney of the municipality, shall read the complaint to the defendant, inform him/her of their legal rights, including the right to trial by jury, if available, and of the consequences of conviction, and ask him/her whether he/she 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. *(Code 1972, § 12-25.)*

Sec. 12-1-25. Postponement.

Before trial commences either party, upon good cause shown, may obtain a reasonable postponement thereof. *(Code 1972, § 12-26.)*

Sec. 12-1-26. Defendant must be present.

The defendant must be present in person at the trial. *(Code 1972, § 12-27.)*

Sec. 12-1-27. Procedure.

In all trials, as to matters not covered in this article, or by the statutes relating to municipal criminal courts, or by rules duly promulgated by the Supreme Court of Oklahoma, the procedure applicable in trials of misdemeanors in the district courts shall apply to the extent that they can be made effective. *(Ord. 962, § 28.)*

Sec. 12-1-28. Judgment.

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. (Ord. 962, § 29.) (Code 1972, § 12-32.)

At the close of trial, judgment must be rendered immediately by the judge who shall cause it to be entered in his/her docket. (Code 1972, § 12-32.)

Sec. 12-1-29. Imprisonment.

A judgment that the defendant pays a fine may direct also that he/she is imprisoned until the fine is satisfied at the rate of one (1) day of imprisonment for each ten dollars (\$10.00) of fine. (Ord. 1365, § 2.) (Ord. 98-03 Amended 02/16/98)

Sec. 12-1-30. Acquittal.

If judgment is of acquittal, and the defendant is not to be detained for any other legal cause, he/she must be discharged at once. (Code 1972, § 12-33.)

Sec. 12-1-31. Suspension of sentence.

After conviction and sentence, the judge may suspend sentence, in accordance with the provisions of and subject to the conditions and procedures imposed by § 27-123 of Title 11, O. S. 1990 Supplement. (Code 1972, § 12-34.)

Sec. 12-1-32. Penalty.

- (a) If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant in the sum not exceeding the maximum amount allowed by state law, plus any fees, all of which the defendant shall pay, in addition to any fine that may be imposed.
- (b) All penalties for violation of any city ordinance of code shall be punishable by a fine not to exceed the maximum fine allowed by law for no-jury trials plus court costs. All provisions of the city code of ordinances referring to imprisonment as the penalty upon conviction for violation of a city ordinance or code are hereby repealed. (Ord. 1661, 7/14/83; Ord. No. 90-23, 9/13/90; Ord. No.2003-05, 05/19/2003).

Sec. 12-1-33. Prisoners to work.

- (a) All prisoners confined to jail on conviction or a 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 such work, the prisoner shall be credited for serving two (2) days of imprisonment under his/her sentence.
- (b) The chief of police, subject to the direction of the mayor and 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 shall oversee the work himself/herself or his/her designated representative. If a guard is necessary, the Chief of Police shall make provision therefore. (Code 1972, § 12-48.)

Sections 12-1-34 thru 12-1-48 intentionally left blank. Will utilize in future.

Sec. 12-1-49. Court Costs Related to Prisoner Confinement.

- (a) Notwithstanding the costs allowed pursuant to 11 O.S. §27-126, the municipal court at its discretion may require that a person confined in the county jail, both before or after conviction, upon conviction, or receiving a deferred sentence, pay the contract account owed by the municipality to the county sheriff's office for the cost of incarceration of the individual. *(Ord. No. 2002-17, 09/16/2002)*
- (b) The municipal court, in its discretion, in addition to the contract amount paid to the Grady County Sheriff's Department for the incarceration of the individual convicted may also assess additional cost associated with medical care, dental care, psychiatric services or other costs expended for the health services provided to the municipal prisoner. *(Ord. No. 2002-17, 09/16/2002)*
- (c) The municipal court shall not assess the cost hereinabove described, if, in the discretion of the court, such costs would impose a manifest hardship on the person, or, in the discretion of the court, the property of the person is needed for the maintenance and support of the prisoner's immediate family. *(Ord. No. 2002-17, 09/16/2002)*
- (d) The cost of incarceration shall be paid by the inmate to the municipality and shall be collected by the clerk of the municipal court. The clerk of the municipal court shall then pay the monies collected to the city treasurer for payments as required pursuant to 22 O.S. §979a. *(Ord. No. 2002-17, 09/16/2002)*