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SECTION 6-101 ORGANIZATION OF MUNICIPAL COURT

This chapter shall govern the organization and operation of the municipal criminal court of the City of Coweta as put into operation by resolution duly passed on September 25, 1979, and filed in accordance with law as authorized by Sections 27-101 and 27-102 of Title 11 of the Oklahoma Statutes. To the extent of conflict between any provisions of this chapter and the provisions of any ordinance of this city the provisions of this chapter shall control.

SECTION 6-102 DEFINITIONS

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

1. "Court" means the municipal criminal court of the City of Coweta;
2. "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;
3. "Clerk" means the clerk of this city, including any deputy or member of the office staff of the clerk while performing duties of the clerk's office;
4. "Chief of Police" means the peace officer in charge of the police force of the city; and
5. "This judicial district" means the district court judicial district of the State of Oklahoma wherein the government of this city is situated.

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SECTION 6-103 JURISDICTION OF COURT

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

SECTION 6-104 JUDGE QUALIFICATIONS

There shall be one judge of the court. The judge shall be an attorney licensed to practice law in the state who resides in the county in which the city is located or in an adjacent county. 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 the subject of proceedings therein.

SECTION 6-105 TERM OF JUDGE

The official term of the judge shall be two (2) years expiring on the 1st day of February, in each odd numbered year. Each judge, unless sooner removed for proper cause, shall serve until his successor is appointed and qualified, provided that the judge of the municipal court existing in this municipality at the effective date of this chapter shall act as judge of the court herein provided until a judge is appointed and qualified under the terms of this chapter.

SECTION 6-106 ALTERNATE JUDGE

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

SECTION 6-107 ACTING JUDGE

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

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SECTION 6-108 APPOINTMENT OF JUDGE AND ALTERNATE JUDGE

Judges shall be appointed by the mayor with the consent of the city council. A proposed appointment shall be submitted in writing to the city council 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 city council may decide upon the proposed appointment by a majority vote of 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 city council unless the mayor, in writing, withdraws the proposed appointment.

SECTION 6-109 SALARY AND PAYMENTS TO JUDGES

A judge, other than an acting judge, shall receive a salary as set by the city council from time to time paid in the manner as set by the city council. An acting judge shall be paid in such sum as set by the council; however their payments for any month shall not exceed the salary of the judge in whose stead the acting judge sits.

SECTION 6-110 REMOVAL OF JUDGE

Judges shall be subject to removal from office by the city council 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; or
2. Twenty-five (25) or more qualified electors of this city. Verification of the number or qualifications of electors shall be executed by one or more of the petitioners.

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

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

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So far as they can be applicable, the provisions of the Oklahoma Administrative Procedures Act governing individual proceedings (Sections 309 to 317 of Title 75 of the Oklahoma Statutes as amended) shall govern removal proceedings hereunder. Judgment of removal shall be entered only upon individual votes, by a majority of all members of the governing body, in favor of such removal.

SECTION 6-111 VACANCY IN OFFICE OF JUDGE

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 proceedings have been affirmed finally in judicial proceedings or are no longer subject to judicial review.

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

SECTION 6-112 DISQUALIFICATION OF JUDGE

In prosecutions before the court no change of venue shall be allowed; but 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 alternate or acting judge appointed as provided in this chapter.

SECTION 6-113 CHIEF OF POLICE

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

SECTION 6-114 CLERK OF THE COURT: DUTIES

The clerk, or a deputy designated by the clerk, shall be ex officio clerk of the court. The clerk shall:

1. Assist the judge in recording the proceedings of the court and in preparing writs, processes and other papers;

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2. Administer oaths required in proceedings before the court;
3. Enter all pleadings, processes, and proceedings in the dockets of the court;
4. Perform such other clerical duties relating to the proceedings of the court as the judge shall direct;
5. Receive and receipt for forfeitures, fines, deposits, and sums of money payable to the court; and
6. Pay to the clerk of this municipality all money so received by the clerk, except such special deposits or fees as shall be received to be disbursed by the clerk for special purposes.

All money paid to the clerk shall be placed in the general fund of the municipality, or in such other funds as the governing body may direct, and it shall be used in the operation of the municipal government in accordance with budgetary arrangements governing the fund in which it is placed.

SECTION 6-115 PROSECUTING ATTORNEY; DUTIES. CONFLICT OF INTEREST

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

SECTION 6-116 BOND OF COURT CLERK

The court clerk of the court shall give bond, in the form provided by Section 27-111 of Title 11 of the Oklahoma Statutes, in a sum to be determined by the city council. When executed, the bond shall be submitted to the governing body for approval. When approved, it shall be filed with the clerk of this city and retained in the city archives.

SECTION 6-117 RULES OF COURT

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

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SECTION 6-118 ENFORCEMENT OF RULES

Obedience to the orders, rules and judgments made by the judge or by the court may be enforced by the judge, who may fine or imprison for direct or indirect 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 6-119 WRITTEN COMPLAINTS TO PROSECUTE ORDINANCE VIOLATIONS

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

SECTION 6-120 TRAFFIC ORDINANCE VIOLATIONS: PROCEDURES FOR ISSUING CITATION: CUSTODY, ARREST

- A. If a police officer observes facts which he believes constitute a violation of the traffic ordinances of this municipality, in lieu of arresting such a person, he may release the person on personal recognizance in accordance with Section 6-121 of this code, or take his name, address, operator's license number, and registered license number of the motor vehicle involved and any other pertinent and necessary information and may issue him in writing in form prescribed by law a traffic citation embracing the above information, and also stating the traffic violation alleged to have occurred, and notifying him to answer to the charge against him at a time, not later than the date specified in the citation. The officer, upon receiving the written promise of the alleged violator, endorsed on the citation to answer as specified, may then release the person from custody. If the person to whom a citation is issued fails to answer as prescribed in the citation, complaint shall be filed and the case shall be prosecuted as otherwise provided in this chapter.
- B. If the alleged traffic violation is committed by a nonresident or resident of this municipality, the police officer may:
 - 1. Release the person after obtaining sufficient information as set out in Subsection A of this section pending his appearance on a day certain in court, as specified in the citation;
 - 2. Take the person in custody and demand that bond for the offense charged be posted according to the provisions of this chapter; or

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3. Take the person into custody under arrest. The arrested person either shall be taken immediately before the judge for further proceedings according to law or shall have bail fixed for his release in accordance with the provisions of this chapter. Upon providing bail as fixed, and upon giving his written promise to appear upon a day certain, as provided in Subsection A of this section, the person shall be released from custody.
- C. 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 Subsections A or B of 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 Subsections A or B of this section.

SECTION 6-121 TRAFFIC BOND PROCEDURES

- A. In addition to other provisions of law for posting bail, any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement 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, 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;

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e. Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;

f. An arrest based upon an outstanding warrant;

g. A traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph;

h. An overweight violation, or the violation of a special permit exceeding the authorized permit weight; or

i. A violation relating to the transportation of hazardous materials.

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

1. Designate the traffic charge;

2. Record information from the arrested person's driver's license on the citation form, including the name, address, date of birth, personal description, type of driver's license, driver's license number, issuing state, and expiration date;

3. Record the motor vehicle make, model and tag information;

4. Record the arraignment date and time on the citation; and

5. Permit the arrested person to sign a written promise to appear as provided for in the citation.

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

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- C. Procedures for arraignment, continuances and scheduling, timely appearances, pleas of guilty or nolo contendere, posting bail, payment of fines and costs, issuance of arrest warrants, and requests for suspension of driver's license, shall be required in state law, Sections 1115.1 through 1115.5 of Title 22 of the Oklahoma Statute.
- 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

The citation has not been satisfied as provided by law.

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

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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.
- G. This section shall become effective July 1, 1987.

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SECTION 6-122 CREATION OF TRAFFIC VIOLATIONS BUREAU

- 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 by him for that purpose. Persons who are cited for violation of one of the traffic regulatory ordinances of this municipality may elect to pay a fine in the traffic violations bureau according to the schedule of fines to be determined by the city council by motion or resolution.
- B. The court may adopt rules to carry into effect this section. Payment of a fine under this section shall constitute a final determination of cause against the defendant. If a defendant who has elected to pay a fine under this section fails to do so, prosecution shall proceed under the provisions of this chapter.

SECTION 6-123 SUMMONS FOR ARREST

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

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

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SECTION 6-124 FORM OF ARREST WARRANT

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

The City of Coweta, Oklahoma to the Chief of Police of the Municipal Court of Coweta, Oklahoma.

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

Witness my hand this _____ day of _____ 19__.

Judge of the Municipal Court
Coweta, Oklahoma.

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

SECTION 6-125 PROCEDURES FOR BAIL OR BOND

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 shall 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. 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.

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SECTION 6-126 BOND FORFEITURE DISTRICT COURT

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 magistrate may be lawfully required, the judge may direct that fact to be entered upon the court minutes, thereby declaring the bond to be forfeited. Without advancing court costs, the judge may then cause the forfeiture to be certified to the district court of the county where situs of government is situated, 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 59 of the Oklahoma Statutes and a surety shall have all remedies available under the provisions of Sections 1108 of Title 22 and Sections 1301 through 1340 of Title 59 of the Oklahoma Statutes. Court costs shall be collectable from the proceeds of the bond.

A prosecution in a court provided for herein shall be a bar to prosecution in another court for the same or a lesser included offense.

SECTION 6-127 ARRAIGNMENT AND PLEADINGS BY DEFENDANT

Upon making his appearance before the court, the defendant shall be arraigned. The judge, or the attorney of the city, 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, continuing the matter for subsequent disposition or defer sentence upon whatever terms or conditions the court may impose. 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 6-128 TRIALS AND JUDGMENTS

- A Before trial commences, either party, upon good cause shown, may obtain a reasonable postponement thereof.
- B. The defendant must be present in person at the trial.
- C. In all trials, as to matters not covered in this chapter, 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.

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- D. If the defendant pleads guilty or is convicted after the trial, the court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable ordinance and imposing sentence accordingly.
- E. At the close of trial, judgment must be rendered immediately by the judge who shall cause it to be entered in his docket.
- F. If judgment is of acquittal, and the
- G. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied at the rate of one day imprisonment for each Five Dollars (\$5.00) of fine.
- H. 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 of the county wherein the status of government is situated where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor.

SECTION 6-129 TRIAL BY JURY AND WAIVER

- A. In all prosecutions for violations of ordinances by fine of more than Five Hundred Dollars (\$500.00), 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 to 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 rechanged so as again to demand trial by jury.

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- C. Service shall be made, as the judge may prescribe by rule or direct by order, either in person upon the juror by the marshal of the court or by any member of the police force of this city, or by the clerk of the court, through certified mail, directed to the juror at his address as given in the jury list with request for a personally signed return receipt. In any proceeding wherein service of summons by mail is in issue, evidence of the due mailing of the summons by the clerk or a member of his staff and the presentation of an official postal return receipt purportedly signed by the addressee shall be prima facie evidence that the summons was duly received by the addressee and therefore, that he was properly served therewith.
- D. A jury in the court shall consist of six (6) jurors, good and lawful men or women, citizens of the County of Wagoner possessing the qualifications of jurors in district court.
- E. After the jurors are sworn, they must sit together and hear the proofs and oral arguments of the parties, which must be delivered in public and in the presence of the defendant.
- F. A verdict of the jury may be rendered by the vote of five (5) jurors.
- G. In all actions tried before a jury, the judge shall determine all questions of law, including questions as to the introduction of evidence, arising during the trial. He also shall instruct the jury as to the law.
- H. The verdict of the jury, in all cases, must be general. When the jury has arrived at its verdict, it must deliver the verdict publicly to the court. The judge must enter the verdict in the docket or cause it to be so entered.
- I. The jury must not be discharged after the case is submitted to it until a verdict is rendered, unless the judge, for good cause, discharges it sooner, in which event the court may proceed again to trial, and so on, until a verdict is rendered.

SECTION 6-131 WITNESS FEES

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

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- A. The name of no more than three (3) witnesses;
- B. That the defendant, by reason of his poverty, is unable to provide the fees and mileage allowed by law;
- C. That the testimony of the witnesses is material; and
- D. That their attendance at the trial is necessary for his proper defense.

The fees of such witnesses shall be paid by the municipality.

SECTION 6-132 COMPENSATION OF JURORS

Jurors shall receive for their services a fee in an amount equal to that amount provided by state law for jury service in proceedings brought in the District Courts of the State of Oklahoma.

SECTION 6-133 SENTENCING

- A. The judge may suspend, modify, defer or reduce a sentence in accordance with Sections 27-123 and 27-124 of Title 11 of the Oklahoma Statutes.
- B. 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 city-owned or maintained projects, with proper supervision.
- C. A defendant is not entitled to a deferred sentence if the defendant has been previously convicted of a felony.
- D. 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.

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- E. 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.
- F. 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 city attorney to amend the charge to a lesser offense.
- G. If a deferred sentence is imposed, an administrative fee of not more than the fine and costs assessable had the deferral not been granted 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.
- H. 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.

SECTION 6-134 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 Sections 27-123 and 27-124 of Title 11 of the Oklahoma Statutes.

SECTION 6-135 IMPRISONMENT

- A. 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 police officer. Such copy shall be sufficient warrant for execution of the sentence.
- B. All prisoners confined to jail on conviction or on plea of guilty, upon request of the prisoner and if approved by the city manager, may be allowed to work on the public streets, avenues, alleys, parks, buildings, or other public premises or property. For each day of such work, the
- C. The chief of police, subject to the direction of the city manager, shall direct where the work shall be performed. The head of the department in charge of the place where the work is to be performed, himself, or some person designated by him, shall oversee the work. If a guard is necessary, the chief of police shall make provision therefor.

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- D. 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.

SECTION 6-136 FINES AND COSTS

If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant, which shall be the maximum allowed by state law, plus the fees and mileage of jurors and witnesses, but the total amount of fine may not exceed the amount set out in Section 1-108 of this code.

SECTION 6-137 FAILURE TO APPEAR, COURT COSTS, PENALTY

Any person who files a complaint in the municipal court against another person or persons and fails to appear to prosecute or testify on the complaint so filed, or moves to dismiss the same without court approval, is liable for, and shall be assessed and pay all court costs incurred in the filing of the complaint. Any defendant failing to appear as required shall constitute a separate offense, punishable as provided in Section 1-108 of this code.

SECTION 6-138 PENALTY ASSESSMENTS

- A. Any person:

1. Convicted of an offense punishable by a fine of Ten Dollars (\$10.00) or more or 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.

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- C. At the end of every quarter the city shall deposit such assessments with the state for law enforcement training and the A.F.I.S. (Automated Fingerprint Identification) as required by law. The court clerk shall also furnish to the state 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.
- E. The provisions of this section shall be applicable only so long as mandated by state law.

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CHAPTER 2

JURISDICTION OF JUVENILE CASES

Section 6-201	Original Jurisdiction of Municipal Court in Certain Juvenile Cases
Section 6-202	Curfew for Minors
Section 6-203	Allowing or Encouraging a Minor to Commit Offenses
Section 6-204	Parental Responsibilities; Failure to Control
Section 6-205	Commission of a Crime in the Presence of Minors
Section 6-206	Permitting Crimes or Disorderliness on Premises
Section 6-207	Truancy
Section 6-208	Furnishing Tobacco products to Minors; Minors in Possession of Tobacco Products

SECTION 6-201 ORIGINAL JURISDICTION OF MUNICIPAL COURT IN CERTAIN JUVENILE CASES

- A. The municipal court of the municipality does elect to have and possess original jurisdiction to hear and adjudicate any offenses committed by persons under the age of eighteen (18) years of age and penalize juveniles found guilty as allowed Title 10 of the Oklahoma Statutes, Section 7303-1.2, effective November 1, 1998.

SECTION 6-202 CURFEW FOR MINORS

- A. It shall be unlawful for:
1. Any person under eighteen (18) years of age to be or remain in or upon the streets or any public place within the City of Coweta t night, during curfew hours;
 2. Any parent of a minor to knowingly permit or, by insufficient control, allow a minor to remain in any public place or street within the City of Coweta during curfew hours; or
 3. Any owner, operator, or employee of a public place to knowingly all a minor to remain upon the premises of any public place during curfew hours.
- B. For purposes of the Section, curfew hours shall be defined as those hours during the period ending at 6:00 a.m. all days of the week and beginning at 12:00 a.m. midnight on Sunday through Thursday and 1:00 a.m. on Friday and Saturday night. Further, for purposes of this Section, parents shall be any person having legal custody of a minor as a natural or adoptive parent, as a legal guardian, or a person to whom legal custody has

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been given by order of the court. Public place shall mean any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A minor shall be any person under the age of eighteen (18) years, unless otherwise emancipated. Further, the term minor shall be synonymous with the term juvenile.

- C. It shall be a defense to Section (A) (1) above if the minor is:
1. Accompanied by a parent of such minor, or when accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area;
 2. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;
 3. On an errand at a specific direction of the minor's parent, without any detour or stop;
 4. Involved in an emergency;
 5. On a sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not object to a police officer;
 6. In a motor vehicle involved in interstate travel;
 7. Engaged in an employment activity, or going home from an employment activity, without any detour or stop;
 8. Attending or traveling between home and an official school, religious, or other recreational activity supervised by adults and sponsored by a civic organization or other similar entity that takes responsibility for the minor; or
 9. Married or had been married or had disabilities of minority removed in accordance with state law.
- D. It is a defense to Section (A) (2) above for the parent of a minor if a minor would qualify for any defense listed above.
- E. It is a defense to Section (A)(3) above if the owner, operator, or employee of public place promptly notifies the police department that a minor was present on the premises of the public place during curfew hours and remained after being asked to leave.

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SECTION 6-203 ALLOWING OR ENCOURAGING A MINOR TO COMMIT OFFENSES

It shall be unlawful for any purpose to knowingly or willfully aid, abet, allow, encourage or, by omission of a duty, encourage or assist a minor to commit any municipal, state or federal offense.

SECTION 6-204 PARENTAL RESPONSIBILITIES; FAILURE TO CONTROL

It shall be unlawful for any parent to fail or control a minor that is under the parent's supervision, by, after notification of a prior offense committed by the minor, failing to prevent the minor from committing the same offense or more than one other offense within one (1) year of the date the minor committed the first offense.

SECTION 6-205 COMMISSION OF A CRIME IN THE PRESENCE OF MINORS

It shall be unlawful for any person to commit any municipal, state or federal offense in the presence of any person under the age of eighteen (18) years.

SECTION 6-206 PERMITTING CRIMES OR DISORDERLINESS ON PREMISES

No owner, operator, proprietor, manager or employee of any place shall permit minors who have congregated on the premises to commit any offense, or to carouse, make unnecessary noises, disturb disrupt or annoy the people residing or carrying on business in the immediate neighborhood or so as to disturb the peace. Furthermore, no owner, operator, proprietor, manager or employee of any place shall permit any minor to loiter, litter or cause any disturbance on the property of a neighboring resident or business.

SECTION 6-207 TRUANCY

- A. It shall be unlawful for a parent of a minor who is over the age of six (6) years and under the age of eighteen (18) years to neglect or refuse to cause or compel such minor to attend and comply with the rules of a public, private or other school of the parent's choosing in which the minor is enrolled.
- B. It shall be unlawful for any minor who is over the age of six (6) years to neglect or refuse to attend and comply with the rules of some public, private or other school, or receive an education by other means for the full term of the schools of the district in which the minor attends.

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C. Provided, that this Section shall not apply:

1. If any minor is prevented from attending school by reason of mental or physical disability, as determined by the Board of Education of the district upon a certificate of the school physician or public health physician or, if no such physician is available, duly licensed and practicing physician;
2. If any such minor is excused from attendance at school due to an emergency, by the principal of the school in which the minor is enrolled, at the request of the parent of the minor;
3. If any such minor is excused from attending by:
 - a. The Administrator of the school or district where the minor attends school; and
 - b. The parent of the minor. Provided, further, that no minor shall be excused from attending school by such joint agreement by a school administrator and the parent of the minor unless and until it has been determined that such action is in the best interest of the minor and/or the community, and that said minor shall thereafter be under the supervision of the parent until the minor has reached the age of eighteen (18) years.
4. If any such minor is observing religious holy days prior to the absence and the parent of the minor submits a written request for the absence, the school district shall excuse the student pursuant this subsection for the days in which the religious holy days are observed and for the days in which the student must travel to and from the site where the student will observe the holy days

SECTION 6-208 FURNISHING TOBACCO PRODUCTS TO MINORS; MINORS IN POSSESSION OF TOBACCO PRODUCTS

- A. Any person who shall furnish to any minor by gift, sale or otherwise any cigarettes, cigarette papers, cigars, snuff, chewing tobacco or any other form of tobacco product shall be guilty of an offense.
- B. It shall be an offense for any minor to be in possession of any cigarettes, cigarette papers, cigars, snuff, chewing tobacco or any other form of tobacco product.