

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1345

By: Voskuhl

AS INTRODUCED

An Act relating to torts; defining terms; providing certain parties deemed to have assumed risks of criminal conduct; providing defense to crime victims or good samaritans from actions for damages under certain circumstances; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 32 of Title 76, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Crime victim" means the victim of the offense or their representative; and
2. "Good samaritan" means a person who acts in good faith:
 - a. to apprehend a person who has:
 - (1) committed a crime in his or her presence, or
 - (2) in fact committed a felony,
 - b. to prevent a crime or an attempted crime from occurring, or

c. to aid a law enforcement officer in effecting an arrest.

B. In any tort action for damages based upon personal injury sustained by the plaintiff where the defendant shall furnish proof by a preponderance of the evidence that:

1. The injury sustained by the plaintiff arose during the commission or attempted commission by the plaintiff of a murder, robbery, burglary, arson, forcible rape or sodomy or kidnapping in the first degree; and

2. The conduct of the defendant was justified pursuant to the applicable provisions of Section 9 of Title 76 of the Oklahoma Statutes, then the plaintiff shall be deemed to have assumed all risks of injury arising from the encounter with any crime victim or good samaritan during the commission or attempted commission of such crime, and such proof shall constitute a complete defense to the action.

SECTION 2. This act shall become effective November 1, 1997.

46-1-5180

MAH