

1 ENGROSSED SENATE  
2 BILL NO. 672

By: Crain of the Senate

3 and

4 Sullivan of the House

5  
6 [ prisons and reformatories - inmate lawsuits -  
7 effective date ]  
8

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

10 SECTION 1. AMENDATORY 57 O.S. 2001, Section 566.4, as  
11 last amended by Section 4, Chapter 31, O.S.L. 2006 (57 O.S. Supp.  
12 2008, Section 566.4), is amended to read as follows:

13 Section 566.4. A. No action may be brought in a court of this  
14 state by a prisoner or former prisoner for mental or emotional  
15 injury allegedly suffered while under arrest, being detained, or in  
16 custody or incarcerated without a prior showing of actual physical  
17 injury.

18 B. 1. Neither the state, any of its agencies or boards, the  
19 Department of Corrections, any county jail, city jail, private  
20 correctional company, nor their members, agents, servants or  
21 employees shall be liable for any form of civil claim or action  
22 alleged to have arisen from any theory of contract law. No arrest  
23 or conviction resulting in detention or incarceration shall create  
24 any contractual obligation, either actual, implied or at common law,

1 between the prisoner and the state, any of its agencies or boards,  
2 the Department of Corrections, any county jail, city jail nor their  
3 members, agents, servants or employees. No policy or internal  
4 management procedure issued for the management of the prison or jail  
5 shall constitute any contractual relationship or obligation between  
6 the state, agency, board, commission, prison, jail, or any of its  
7 officers, members, servants or employees, and the prisoner or any  
8 visitor to the prison or jail.

9       2. No tort action or civil claim may be filed against any  
10 employee, agent, or servant of the state, the Department of  
11 Corrections, private correctional company, or any county jail or any  
12 city jail alleging acts related to the duties of the employee, agent  
13 or servant, until all of the notice provisions of the Governmental  
14 Tort Claims Act have been fully complied with by the claimant. This  
15 requirement shall apply to any claim against an employee of the  
16 state, the Department of Corrections, or any county jail or city  
17 jail in either their official or individual capacity, and to any  
18 claim against a private correctional contractor and its employees  
19 for actions taken pursuant to or in connection with a governmental  
20 contract.

21       C. No civil action of any type may be brought seeking an  
22 injunction or temporary restraining order against any city, county  
23 or state agency, or any officer or employee thereof, brought by a  
24 plaintiff who is currently incarcerated in any jail, state prison or

1 private prison in the state if the claim alleges matters arising  
2 from the incarceration of the plaintiff and related to management of  
3 the prison, including but not limited to, prison transfers, cell  
4 assignments, prison job or work assignments and disciplinary action.

5 D. In any complaint or allegation made by a prisoner against  
6 any person holding a license to any state court, agency, board,  
7 commission or association which issues any form of license, in which  
8 the state court, agency, board, commission or association has made a  
9 determination that the complaint of the prisoner is frivolous,  
10 malicious or without merit, the state court, agency, board,  
11 commission or association may sanction the prisoner as provided for  
12 by law.

13 E. No prisoner of any city or county jail or of any state,  
14 federal or private prison in Oklahoma or any person on parole or  
15 probation may obtain any public records maintained by any government  
16 entity and pertaining in any manner to any public employee, officer  
17 or to any citizen, or any criminal history record of any convicted  
18 felon. No prisoner, probationer or parolee may obtain without  
19 prepayment of the required fees and costs any other public record  
20 subject to release. The Director of the Department of Corrections  
21 shall promulgate a rule for the release of criminal history records  
22 available to the public which shall include the requirement that  
23 requests for criminal history records include the name of the person  
24 whose record is being requested and shall charge Fifteen Dollars

1 (\$15.00) for each completed request responded to in any form of  
2 written communication by the Department.

3 F. No default judgment shall be rendered against any person,  
4 city, county or state agency, or any officer or employee thereof, in  
5 any form of civil action brought by a plaintiff who is currently  
6 incarcerated in any jail, state prison or private prison in the  
7 state.

8 G. Venue for tort actions filed by a prisoner or a former  
9 prisoner of any state prison in the state shall be as follows:

10 1. Venue for actions filed by any prisoner of any state prison  
11 or private prison in which the state, the Department of Corrections,  
12 the Board of Corrections as a whole or individual members, or any  
13 officer or employee that has multicounty responsibilities is named  
14 as a party shall be in the county of the official residence of the  
15 Department of Corrections; and

16 2. Venue for tort actions filed by prisoners of a county jail  
17 or city jail, and not involving the Department of Corrections, but  
18 against the sheriff, jailer, county officials or employees, or city  
19 officials or employees shall be in the county where the jail is  
20 located.

21 The limitations on venue set out in this section shall also  
22 apply to tort actions filed by former prisoners, if said tort action  
23 is based on facts that occurred while the plaintiff was a prisoner.

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1 H. The Attorney General, district attorneys and the general  
2 counsel of the Department of Corrections shall notify the Pardon and  
3 Parole Board of all lawsuits filed by any prisoner in which a  
4 determination was made by a court that the lawsuit was either  
5 frivolous or malicious.

6 I. The Department of Corrections may assess an administrative  
7 fee not to exceed Five Dollars (\$5.00) for the processing of any  
8 grievance or disciplinary report that has been appealed to the  
9 Director and shall charge prisoners for the costs of any supplies,  
10 materials or services provided to the inmate at the request of the  
11 inmate. Any fees collected pursuant to this subsection shall be  
12 deposited into the Department of Corrections Revolving Fund. If the  
13 appeal of the grievance or the disciplinary report results in a  
14 finding in favor of the prisoner, all fees and costs collected  
15 pursuant to this section shall be returned to the prisoner.

16 J. Judgments rendered against prisoners and received by the  
17 Department of Corrections for, but not limited to, monetary damages,  
18 child support, transportation costs, filing fees, court costs,  
19 sanctions or attorney fees may be withdrawn by the Department from  
20 any funds deposited into a prison trust account of the prisoner and  
21 forwarded to the prevailing party.

22 K. Upon motion of the defendant or the court for a special  
23 report in any civil action filed by a prisoner or former prisoner or  
24 attorney of the prisoner against any party, the court shall stay all

1 proceedings in the case and order the custodian or appropriate party  
2 to prepare a special report to the court prior to defendants being  
3 required to answer. The special report will order corrections  
4 officials or the appropriate party to undertake a review of the  
5 subject matter of the petition in order to provide the court with  
6 additional information for the processing of the claim of the  
7 prisoner, to ascertain the facts and circumstances, to consider  
8 whether any action can and should be taken by the institution or  
9 other appropriate officials to resolve the subject matter of the  
10 petition and to determine whether other like matters, whether  
11 pending in this court or elsewhere, are related to this matter and  
12 should be taken up and considered together. All reports made in the  
13 course of the review shall be attached to and filed with the special  
14 report, and a date the special report is due to the court shall be  
15 set. All pending motions are stricken without prejudice to their  
16 being reasserted after the special report is filed. All discovery  
17 under the Oklahoma Rules of Civil Procedure is stayed until the  
18 special report has been filed and any dispositive motions based on  
19 the special report are ruled upon. A copy of the special report  
20 shall be sent to the respective parties by the agency or person  
21 preparing the special report. Upon receipt of the special report,  
22 dispositive motions may be filed by the parties and the district  
23 court may properly dismiss the petition as being frivolous or  
24 malicious or for failure to state a claim, may grant summary

1 judgment or order that the case may proceed under the Oklahoma Rules  
2 of Civil Procedure.

3 L. Notwithstanding any other provision of law, appeal of a  
4 decision of the district court in a civil action related to a  
5 person's incarceration or supervision while in custody of the  
6 Department of Corrections, a county or municipal jail, or a private  
7 prison, adverse to a municipal, county or state employee or a person  
8 employed by a private prison, shall be appealed directly to the  
9 appropriate appellate court without further motions.

10 SECTION 2. This act shall become effective November 1, 2009.

11 Passed the Senate the 11th day of March, 2009.

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2009.

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Presiding Officer of the House  
of Representatives