

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3276

By: Humphrey of the House

and

Weaver of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to qualified immunity; prohibiting
12 law enforcement officers from being liable for
13 monetary damages under certain circumstances;
14 prohibiting the state and political subdivisions from
15 being liable under certain circumstances; providing
16 guidelines for plaintiffs when asserting claims of
17 alleged violations; providing for immediate appeals
18 when qualified immunity denied; stating applicability
19 of provision; providing for codification; and
20 providing an effective date.

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

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 152.4 of Title 51, unless there
is created a duplication in numbering, reads as follows:

 A. A law enforcement officer of the state or a political
subdivision of the state subject to a claim brought under The

1 Governmental Tort Claims Act shall not be liable for monetary
2 damages if any of the following apply:

3 1. The right, privilege, or immunity secured by law was not
4 clearly established at the time of the alleged deprivation, or at
5 the time of the alleged deprivation the state of the law was not
6 sufficiently clear that every reasonable employee would have
7 understood that the conduct alleged constituted a violation of law;
8 or

9 2. A court of competent jurisdiction has issued a final
10 decision on the merits holding, without reversal, vacatur, or
11 preemption, that the specific conduct alleged to be unlawful was
12 consistent with the law.

13 B. The state or a political subdivision of the state shall not
14 be liable for any claim brought under The Governmental Tort Claims
15 Act where the law enforcement officer was determined to be protected
16 by qualified immunity under the provisions of subsection A of this
17 section.

18 C. A plaintiff who brings a claim under The Governmental Tort
19 Claims Act alleging a violation of the law must state with
20 particularity the circumstances constituting the violation and that
21 the law was clearly established at the time of the alleged
22 violation. Failure to plead a plausible violation or failure to
23 plead that the law was clearly established at the time of the
24 alleged violation shall result in dismissal with prejudice.

1 D. Any decision by the district court denying qualified
2 immunity shall be immediately appealable.

3 E. This section shall apply in addition to any other statutory
4 or common law immunity.

5 SECTION 2. This act shall become effective November 1, 2022.

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7 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
8 dated 02/14/2022 - DO PASS, As Amended and Coauthored.
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