

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3276

By: Humphrey

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6 AS INTRODUCED

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

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

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

21 A. An employee of the state or a political subdivision of the
22 state subject to a claim brought under The Governmental Tort Claims
23 Act shall not be liable for monetary damages if any of the following
24 apply:

1. The right, privilege, or immunity secured by law was not
clearly established at the time of the alleged deprivation, or at
the time of the alleged deprivation the state of the law was not

1 sufficiently clear that every reasonable employee would have
2 understood that the conduct alleged constituted a violation of law;
3 or

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

8 B. The state or a political subdivision of the state shall not
9 be liable for any claim brought under The Governmental Tort Claims
10 Act where the employee was determined to be protected by qualified
11 immunity under the provisions of subsection A of this section.

12 C. A plaintiff who brings a claim under The Governmental Tort
13 Claims Act alleging a violation of the law must state with
14 particularity the circumstances constituting the violation and that
15 the law was clearly established at the time of the alleged
16 violation. Failure to plead a plausible violation or failure to
17 plead that the law was clearly established at the time of the
18 alleged violation shall result in dismissal with prejudice.

19 D. Any decision by the district court denying qualified
20 immunity shall be immediately appealable.

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

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

58-2-9445 GRS 01/06/22