

1 ENGROSSED HOUSE
2 BILL NO. 3022

By: Humphrey and McDugle of the
House

3 and

4 Garvin of the Senate
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6

7 An Act relating to prisons and reformatories;
8 defining terms; providing for the designation and use
9 of changing rooms and restrooms in state correctional
10 facilities; establishing restrictions on the use of
11 changing rooms and restrooms; providing for the
12 designation and use of sleeping quarters in state
13 correctional facilities; establishing restrictions on
14 the use of sleeping quarters; providing exceptions;
15 allowing private causes of action for declaratory and
16 injunctive relief; providing statute of limitations
17 for bringing claims; allowing for the recovery of
18 attorney fees and costs; providing for codification;
19 and providing an effective date.

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1 2. "Female" means an individual who has, had, will have, or
2 would have, but for a developmental or genetic anomaly or historical
3 accident, the reproductive system that at some point produces,
4 transports, and utilizes eggs for fertilization;

5 3. "Male" means an individual who has, had, will have, or would
6 have, but for a developmental or genetic anomaly or historical
7 accident, the reproductive system that at some point produces,
8 transports, and utilizes sperm for fertilization;

9 4. "Restroom" means a room that includes one or more toilets or
10 urinals;

11 5. "Sex" means the biological sex of a person, either male or
12 female, as observed or clinically verified at birth;

13 6. "Sleeping quarters" means a room with more than one bed and
14 in which more than one individual is housed overnight; and

15 7. "State correctional facility" means a facility or
16 institution that is under the jurisdiction and control of the
17 Department of Corrections. A state correctional facility does not
18 include any county or municipal detention centers or holding
19 facilities.

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 802 of Title 57, unless there is
22 created a duplication in numbering, reads as follows:

23 A. Every restroom and changing room within a state correctional
24 facility that is designated for the use of incarcerated individuals

1 and that is accessible by multiple individuals at the same time
2 shall be designated for use only by members of one sex.

3 B. A restroom or changing room within a state correctional
4 facility that is designated for one sex shall be used only by
5 members of that sex. No incarcerated individual shall enter a
6 restroom or changing room that is designated for one sex unless he
7 or she is a member of that sex and the state correctional facility
8 shall ensure that all restrooms and changing rooms provide its users
9 with privacy from members of the opposite sex.

10 C. Each sleeping quarter within a state correctional facility
11 that is designated for the use of incarcerated individuals and that
12 is accessible by multiple individuals at the same time shall be
13 designated for use only by members of one sex.

14 D. A sleeping quarter within a state correctional facility that
15 is designated for one sex shall be used only by members of that sex.
16 No incarcerated individual shall be housed in a sleeping quarter
17 that is designated for one sex unless he or she is a member of that
18 sex.

19 E. The provisions of this section shall not apply to an
20 incarcerated individual who enters a restroom, changing room, or
21 sleeping quarter designated for the opposite sex:

- 22 1. For custodial or maintenance purposes;
- 23 2. To render medical assistance;

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1 3. During a natural disaster, emergency, or when necessary to
2 prevent a serious threat to order or safety; or

3 4. On a temporary basis, which shall not include overnight
4 housing, at the direction of the state correctional facility.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 803 of Title 57, unless there is
7 created a duplication in numbering, reads as follows:

8 A. An incarcerated individual who, while accessing a restroom
9 or changing room designated for use by his or her sex, encounters a
10 person of the opposite sex in that restroom or changing room, has a
11 private cause of action for declaratory and injunctive relief
12 against the Department of Corrections if:

13 1. The state correctional facility gave that person permission
14 to use a restroom or changing room of the opposite sex; or

15 2. The state correctional facility failed to take reasonable
16 steps to prohibit that person from using the restroom or changing
17 room of the opposite sex.

18 B. An incarcerated individual who is required by the state
19 correctional facility to share sleeping quarters with a person of
20 the opposite sex has a private cause of action for declaratory and
21 injunctive relief against the Department of Corrections.

22 C. All civil actions brought pursuant to this section shall be
23 initiated within two (2) years after the violation occurred. An
24 individual aggrieved under the provisions of this section who

1 prevails in court may recover reasonable attorney fees and costs
2 from the Department of Corrections.

3 SECTION 4. This act shall become effective November 1, 2024.

4 Passed the House of Representatives the 11th day of March, 2024.

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Presiding Officer of the House
of Representatives

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9 Passed the Senate the ___ day of _____, 2024.

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Presiding Officer of the Senate

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