

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2481

By: Hill

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6 AS INTRODUCED

7 An Act relating to labor; creating the Civil  
8 Liability for Employers Hiring Ex-Offenders Act;  
9 prohibiting causes of action against certain  
10 entities; preventing certain facts from being  
11 introduced into evidence; proving exceptions;  
12 prohibiting implications of liability in situations  
13 not covered by legislation; and providing an  
14 effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 901 of Title 40, unless there is  
18 created a duplication in numbering, reads as follows:

19 A. This act shall be known and may be cited as the "Civil  
20 Liability for Employers Hiring Ex-Offenders Act".

21 B. A cause of action shall not be brought against an employer,  
22 general contractor, premises owner, or other third party solely for  
23 hiring an employee or independent contractor who has been convicted  
24 of a nonviolent, nonsexual offense.

1 C. In a negligent hiring action against an employer, general  
2 contractor, premises owner, or other third party for the acts of an  
3 employee or independent contractor that is based on a theory of  
4 liability other than that described by subsection B of this section,  
5 the fact that the employee or independent contractor was convicted  
6 of a nonviolent, nonsexual offense before the employee or  
7 independent contractor's employment or contractual obligation with  
8 the employer, general contractor, premises owner, or other third  
9 party, as applicable, may not be introduced into evidence.

10 D. This section shall not preclude any existing cause of action  
11 for failure of an employer or other person to provide adequate  
12 supervision of an employee or independent contractor, except that  
13 the employee or independent contractor has been convicted of a  
14 nonviolent, nonsexual criminal offense may be introduced into  
15 evidence in the suit only if the employer:

16 1. Knew of the conviction or was grossly negligent in not  
17 knowing of the conviction; and

18 2. The conviction was directly related to the nature of the  
19 employee's or independent contractor's work and the conduct that  
20 gave rise to the alleged injury that is the basis of the suit.

21 E. The protections provided to an employer, general contractor,  
22 premises owner, or third party under this section shall not apply in  
23 a suit concerning:  
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1           1. The misuse of funds or property of a person other than the  
2 employer, general contractor, premises owner, or third party, by an  
3 employee or independent contractor, if, on the date the employee or  
4 independent contractor was hired, the employee or independent  
5 contractor had been convicted of a crime that includes fraud or the  
6 misuse of funds or property as an element of the offense, and it was  
7 foreseeable that the position for which the employee or independent  
8 contractor was hired would involve discharging a fiduciary  
9 responsibility in the management of funds or property;

10           2. The misappropriation of funds by an employee or independent  
11 contractor, if the employee or independent contractor was hired as  
12 an attorney and, on the date the employee or independent contractor  
13 was hired, the employee or independent contractor had been convicted  
14 of a crime that includes fraud or the misuse of funds or property as  
15 an element of the offense; or

16           3. A violent offense or an improper use of excessive force by  
17 an employee or independent contractor, if the employee or  
18 independent contractor was hired to serve as a law enforcement  
19 officer or security guard.

20           F. This section shall not be interpreted as implying a cause of  
21 action exists for negligent hiring of an ex-offender in factual  
22 situations not covered by this section. In deciding whether  
23 liability exists in such cases, courts shall not presume that,  
24 because ex-offenders are not covered in the protection herein, there

1 is an legislative intent expressed through the passage of this  
2 enactment to extend liability in such cases where it is not already  
3 established.

4 SECTION 2. This act shall become effective November 1, 2023.

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