

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3581 _____
Of the printed Bill

Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mark Lepak

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 PROPOSED OVERSIGHT
4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3581

By: Lepak

7
8 PROPOSED OVERSIGHT COMMITTEE SUBSTITUTE

9 An Act relating to riots; amending 21 O.S. 2021,
10 Section 1312, as amended by Section 10, Chapter 486,
11 O.S.L. 2025 (21 O.S. Supp. 2025, Section 1312), which
12 relates to penalties for participating in riots;
13 modifying scope and penalty provisions for certain
14 offenses; making certain acts unlawful; providing
15 penalties; amending 51 O.S. 2021, Section 155, as
16 amended by Section 21, Chapter 228, O.S.L. 2022 (51
17 O.S. Supp. 2025, Section 155), which relates to The
18 Oklahoma Governmental Tort Claims Act; providing
19 exception to certain exemption from liability; and
20 declaring an emergency.

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

22 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1312, as
23 amended by Section 10, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025,
24 Section 1312), is amended to read as follows:

Section 1312. Every person guilty of participating in any riot
is punishable as follows:

1. If any murder, maiming, robbery, rape or arson was committed
in the course of such riot, such person is guilty of a Class A1

1 felony offense punishable in the same manner as a principal in such
2 crime;

3 2. If the purpose of the riotous assembly was to resist the
4 execution of any statute of this state or of the United States, or
5 to obstruct any public officer of this state or of the United
6 States, in the performance of any legal duty, or in serving or
7 executing any legal process, such person shall, upon conviction, be
8 guilty of a Class B3 felony offense punishable by imprisonment in
9 the custody of the Department of Corrections for a term not
10 exceeding ten (10) years and not less than two (2) years;

11 3. If such person carried at the time of such riot any species
12 of firearms, or other deadly or dangerous weapon, ~~or was disguised,~~
13 such person shall, upon conviction, be guilty of a Class B3 felony
14 offense punishable by imprisonment in the custody of the Department
15 of Corrections for a term not exceeding ten (10) years and not less
16 than two (2) years;

17 4. If such person directed, advised, encouraged or solicited
18 other persons, who participated in the riot to acts of force or
19 violence, such person shall, upon conviction, be guilty of a Class
20 B1 felony offense punishable by imprisonment in the custody of the
21 Department of Corrections for a term not exceeding twenty (20) years
22 and not less than two (2) years; ~~or~~

23 5. If such person commits any assault and battery in the course
24 of a riot, such person shall, upon conviction, be guilty of a Class

1 B3 felony offense punishable by imprisonment in the custody of the
2 Department of Corrections for a term not exceeding ten (10) years
3 and not less than two (2) years;

4 6. If such person commits any aggravated assault and battery in
5 the course of a riot, such person shall, upon conviction, be guilty
6 of a Class B1 felony offense punishable by imprisonment in the
7 custody of the Department of Corrections for a term not exceeding
8 twenty (20) years and not less than two (2) years;

9 7. If such person willfully damaged, destroyed, vandalized, or
10 defaced any structure, building, or office space in the course of a
11 riot, such person shall, upon conviction, be guilty of a Class B3
12 felony offense punishable by imprisonment in the custody of the
13 Department of Corrections for a term not exceeding ten (10) years
14 and not less than two (2) years;

15 8. Every person who wears a mask, hood, covering, or disguise
16 without lawful excuse and for the purpose of concealing his or her
17 identity in the course of a riot shall, upon conviction, be guilty
18 of a Class D3 felony offense punishable by imprisonment in the
19 custody of the Department of Corrections for a term not exceeding
20 two (2) years, or by a fine of not less than One Hundred Dollars
21 (\$100.00) and not exceeding Two Thousand Five Hundred Dollars
22 (\$2,500.00), or by both such fine and imprisonment; or

23 9. Every person who shall unlawfully obstruct the normal use of
24 any public street, highway or road within this state by impeding,

1 hindering or restraining motor vehicle traffic or passage thereon,
2 by standing or approaching motor vehicles thereon, or by endangering
3 the safe movement of motor vehicles or pedestrians traveling thereon
4 shall, upon conviction, be guilty of a ~~misdemeanor~~ Class D3 felony
5 offense punishable by imprisonment in the ~~county jail~~ custody of the
6 Department of Corrections for a term not exceeding ~~one (1) year~~ two
7 (2) years, or by a fine of not less than One Hundred Dollars
8 (\$100.00) and not exceeding Five Thousand Dollars (\$5,000.00), or by
9 both such fine and imprisonment. In addition, the person shall be
10 liable for all damages to person or property by reason of the same.
11 As used in this paragraph, "obstruct" means to render impassable or
12 to render passage unreasonably inconvenient or hazardous.

13 In all other cases such person is punishable as for a
14 misdemeanor.

15 SECTION 2. AMENDATORY 51 O.S. 2021, Section 155, as
16 amended by Section 21, Chapter 228, O.S.L. 2022 (51 O.S. Supp. 2025,
17 Section 155), is amended to read as follows:

18 Section 155. The state or a political subdivision shall not be
19 liable if a loss or claim results from:

- 20 1. Legislative functions;
- 21 2. Judicial, quasi-judicial, or prosecutorial functions, other
22 than claims for wrongful criminal felony conviction resulting in
23 imprisonment provided for in Section 154 of this title;
- 24 3. Execution or enforcement of the lawful orders of any court;

1 4. Adoption or enforcement of or failure to adopt or enforce a
2 law, whether valid or invalid, including, but not limited to, any
3 statute, charter provision, ordinance, resolution, rule, regulation
4 or written policy;

5 5. Performance of or the failure to exercise or perform any act
6 or service which is in the discretion of the state or political
7 subdivision or its employees;

8 6. Civil disobedience, riot, insurrection or rebellion or the
9 failure to provide, or the method of providing, police, law
10 enforcement or fire protection, unless the loss or claim results
11 from instances where the state or political subdivision was aware of
12 the dangerous condition and failed to take any reasonable action to
13 alleviate or mitigate damage, loss, or injury from civil
14 disobedience, riot, insurrection, or rebellion or makes an
15 affirmative decision or establishes a policy to allow for civil
16 disobedience, riot, insurrection, or rebellion;

17 7. Any claim based on the theory of attractive nuisance;

18 8. Snow or ice conditions or temporary or natural conditions on
19 any public way or other public place due to weather conditions,
20 unless the condition is affirmatively caused by the negligent act of
21 the state or a political subdivision;

22 9. Entry upon any property where that entry is expressly or
23 implied authorized by law;

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1 10. Natural conditions of property of the state or political
2 subdivision;

3 11. Assessment or collection of taxes or special assessments,
4 license or registration fees, or other fees or charges imposed by
5 law;

6 12. Licensing powers or functions including, but not limited
7 to, the issuance, denial, suspension or revocation of or failure or
8 refusal to issue, deny, suspend or revoke any permit, license,
9 certificate, approval, order or similar authority;

10 13. Inspection powers or functions, including failure to make
11 an inspection, review or approval, or making an inadequate or
12 negligent inspection, review or approval of any property, real or
13 personal, to determine whether the property complies with or
14 violates any law or contains a hazard to health or safety, or fails
15 to conform to a recognized standard;

16 14. Any loss to any person covered by any workers' compensation
17 act or any employer's liability act;

18 15. Absence, condition, location or malfunction of any traffic
19 or road sign, signal or warning device unless the absence,
20 condition, location or malfunction is not corrected by the state or
21 political subdivision responsible within a reasonable time after
22 actual or constructive notice or the removal or destruction of such
23 signs, signals or warning devices by third parties, action of
24 weather elements or as a result of traffic collision except on

1 failure of the state or political subdivision to correct the same
2 within a reasonable time after actual or constructive notice.
3 Nothing herein shall give rise to liability arising from the failure
4 of the state or any political subdivision to initially place any of
5 the above signs, signals or warning devices. The signs, signals and
6 warning devices referred to herein are those used in connection with
7 hazards normally connected with the use of roadways or public ways
8 and do not apply to the duty to warn of special defects such as
9 excavations or roadway obstructions;

10 16. Any claim which is limited or barred by any other law;

11 17. Misrepresentation, if unintentional;

12 18. An act or omission of an independent contractor or
13 consultant or his or her employees, agents, subcontractors or
14 suppliers or of a person other than an employee of the state or
15 political subdivision at the time the act or omission occurred;

16 19. Theft by a third person of money in the custody of an
17 employee unless the loss was sustained because of the negligence or
18 wrongful act or omission of the employee;

19 20. Participation in or practice for any interscholastic or
20 other athletic contest sponsored or conducted by or on the property
21 of the state or a political subdivision;

22 21. Participation in any activity approved by a local board of
23 education and held within a building or on the grounds of the school
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1 district served by that local board of education before or after
2 normal school hours or on weekends;

3 22. Use of indoor or outdoor school property and facilities
4 made available for public recreation before or after normal school
5 hours or on weekends or school vacations, except those claims
6 resulting from willful and wanton acts of negligence. For purposes
7 of this paragraph:

8 a. "public" includes, but is not limited to, students
9 during nonschool hours and school staff when not
10 working as employees of the school, and

11 b. "recreation" means any indoor or outdoor physical
12 activity, either organized or unorganized, undertaken
13 for exercise, relaxation, diversion, sport or
14 pleasure, and that is not otherwise covered by
15 paragraph 20 or 21 of this section;

16 23. Any court-ordered, Department of Corrections or county
17 approved work release program; provided, however, this provision
18 shall not apply to claims from individuals not in the custody of the
19 Department of Corrections based on accidents involving motor
20 vehicles owned or operated by the Department of Corrections;

21 24. The activities of the state military forces when on state
22 active duty orders or on Title 32 active duty orders;

23 25. Provision, equipping, operation or maintenance of any
24 prison, jail or correctional facility, or injuries resulting from

1 the parole or escape of a prisoner or injuries by a prisoner to any
2 other prisoner; provided, however, this provision shall not apply to
3 claims from individuals not in the custody of the Department of
4 Corrections based on accidents involving motor vehicles owned or
5 operated by the Department of Corrections;

6 26. Provision, equipping, operation or maintenance of any
7 juvenile detention facility, or injuries resulting from the escape
8 of a juvenile detainee, or injuries by a juvenile detainee to any
9 other juvenile detainee;

10 27. Any claim or action based on the theory of manufacturer's
11 products liability or breach of warranty, either expressed or
12 implied;

13 28. Any claim or action based on the theory of indemnification
14 or subrogation; provided, however, a political subdivision as
15 defined in ~~subparagraphs of~~ paragraph ~~11~~ 12 of Section 152 of this
16 title may enter into a contract with a contract operator or any
17 railroad operating in interstate commerce that sells a property
18 interest or provides services to a regional transportation
19 authority, or allows the regional transportation authority to use
20 the railroad's property or tracks for the provision of public
21 passenger rail service, providing for the allocation of financial
22 responsibility, indemnification, or the procurement of insurance for
23 the parties for all types of claims or damages, provided that funds
24 have been appropriated to cover the resulting contractual obligation

1 at the time the contract is executed. The acquisition of commercial
2 liability insurance to cover the activities of the regional
3 transportation authority, contract operator or railroad shall not
4 operate as a waiver of any of the liabilities, immunities or
5 defenses provided for political subdivisions pursuant to the
6 provisions of The Governmental Tort Claims Act. A contract entered
7 into under this paragraph shall not affect rights of employees under
8 the Federal Employers Liability Act or the Federal Railway Labor
9 Act;

10 29. Any claim based upon an act or omission of an employee in
11 the placement of children;

12 30. Acts or omissions done in conformance with then current
13 recognized standards;

14 31. Maintenance of the state highway system or any portion
15 thereof unless the claimant presents evidence which establishes
16 either that the state failed to warn of the unsafe condition or that
17 the loss would not have occurred but for a negligent affirmative act
18 of the state;

19 32. Any confirmation of the existence or nonexistence of any
20 effective financing statement on file in the ~~office~~ Office of the
21 Secretary of State made in good faith by an employee of the ~~office~~
22 Office of the Secretary of State as required by the provisions of
23 Section 1-9-320.6 of Title 12A of the Oklahoma Statutes;

24 33. Any court-ordered community sentence;

1 34. Remedial action and any subsequent related maintenance of
2 property pursuant to and in compliance with an authorized
3 environmental remediation program, order, or requirement of a
4 federal or state environmental agency;

5 35. The use of necessary and reasonable force by a school
6 district employee to control and discipline a student during the
7 time the student is in attendance or in transit to and from the
8 school, or any other function authorized by the school district;

9 36. Actions taken in good faith by a school district employee
10 for the out-of-school suspension of a student pursuant to applicable
11 Oklahoma Statutes; or

12 37. Use of a public facility opened to the general public
13 during an emergency.

14 SECTION 3. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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19 60-2-16365 GRS 02/24/26

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