

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 60th Legislature (2026)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3581

By: Lepak of the House

and

Gollihare of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

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

1 1. If any murder, maiming, robbery, rape or arson was committed
2 in the course of such riot, such person is guilty of a Class A1
3 felony offense punishable in the same manner as a principal in such
4 crime;

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

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

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

1 5. If such person commits any assault and battery in the course
2 of a riot, such person shall, upon conviction, be guilty of a Class
3 D2 felony offense punishable by imprisonment in the custody of the
4 Department of Corrections for a term not exceeding two (2) years;

5 6. If such person commits any aggravated assault and battery in
6 the course of a riot, such person shall, upon conviction, be guilty
7 of a Class B1 felony offense punishable by imprisonment in the
8 custody of the Department of Corrections for a term not exceeding
9 ten (10) years;

10 7. If such person willfully damaged, destroyed, vandalized, or
11 defaced any structure, building, or office space in the course of a
12 riot, such person shall, upon conviction, be guilty of a Class D3
13 felony offense punishable by imprisonment in the custody of the
14 Department of Corrections for a term not exceeding two (2) years if
15 the damage was less than One Thousand Dollars (\$1,000.00) or shall
16 be guilty of a Class D1 felony offense punishable by imprisonment in
17 the custody of the Department of Corrections for a term not
18 exceeding four (4) years if the damage was more than One Thousand
19 Dollars (\$1,000.00);

20 8. Every person who wears a mask, hood, covering, or disguise
21 without lawful excuse and for the purpose of concealing his or her
22 identity in the course of a riot and commits any felony therein
23 shall, upon conviction, be guilty of a Class D3 felony offense
24 punishable by imprisonment in the custody of the Department of

1 Corrections as provided for in subsections B through F of Section
2 20P of this title, or by both such fine and imprisonment; or

3 9. Every person who shall unlawfully obstruct the normal use of
4 any public street, highway or road within this state by actively
5 impeding, hindering or restraining motor vehicle traffic or passage
6 thereon, by standing or approaching motor vehicles thereon, or by
7 endangering the safe movement of motor vehicles or pedestrians
8 traveling thereon shall, upon conviction, be guilty of a ~~misdemeanor~~
9 Class D3 felony offense punishable by imprisonment in the ~~county~~
10 ~~jail~~ custody of the Department of Corrections for a term ~~not~~
11 ~~exceeding one (1) year~~ as provided for in subsections B through F of
12 Section 20P of this title or by a fine of not less than One Hundred
13 Dollars (\$100.00) and not exceeding Five Thousand Dollars
14 (\$5,000.00), or by both such fine and imprisonment. In addition,
15 the person shall be liable for all damages to person or property by
16 reason of the same. As used in this paragraph, "obstruct" means to
17 render impassable or to render passage unreasonably inconvenient or
18 hazardous.

19 In all other cases such person is punishable as for a
20 misdemeanor.

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

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

3 1. Legislative functions;

4 2. Judicial, quasi-judicial, or prosecutorial functions, other
5 than claims for wrongful criminal felony conviction resulting in
6 imprisonment provided for in Section 154 of this title;

7 3. Execution or enforcement of the lawful orders of any court;

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

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

15 6. Civil disobedience, riot, insurrection or rebellion or the
16 failure to provide, or the method of providing, police, law
17 enforcement or fire protection, unless the loss or claim results
18 from instances where the state or political subdivision was aware of
19 the dangerous condition and makes an affirmative decision or
20 establishes a policy to allow for civil disobedience, riot,
21 insurrection, or rebellion;

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

23 8. Snow or ice conditions or temporary or natural conditions on
24 any public way or other public place due to weather conditions,

1 unless the condition is affirmatively caused by the negligent act of
2 the state or a political subdivision;

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

5 10. Natural conditions of property of the state or political
6 subdivision;

7 11. Assessment or collection of taxes or special assessments,
8 license or registration fees, or other fees or charges imposed by
9 law;

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

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

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

22 15. Absence, condition, location or malfunction of any traffic
23 or road sign, signal or warning device unless the absence,
24 condition, location or malfunction is not corrected by the state or

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

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

15 17. Misrepresentation, if unintentional;

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

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

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

4 21. Participation in any activity approved by a local board of
5 education and held within a building or on the grounds of the school
6 district served by that local board of education before or after
7 normal school hours or on weekends;

8 22. Use of indoor or outdoor school property and facilities
9 made available for public recreation before or after normal school
10 hours or on weekends or school vacations, except those claims
11 resulting from willful and wanton acts of negligence. For purposes
12 of this paragraph:

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

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

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

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

5 25. Provision, equipping, operation or maintenance of any
6 prison, jail or correctional facility, or injuries resulting from
7 the parole or escape of a prisoner or injuries by a prisoner to any
8 other prisoner; provided, however, this provision shall not apply to
9 claims from individuals not in the custody of the Department of
10 Corrections based on accidents involving motor vehicles owned or
11 operated by the Department of Corrections;

12 26. Provision, equipping, operation or maintenance of any
13 juvenile detention facility, or injuries resulting from the escape
14 of a juvenile detainee, or injuries by a juvenile detainee to any
15 other juvenile detainee;

16 27. Any claim or action based on the theory of manufacturer's
17 products liability or breach of warranty, either expressed or
18 implied;

19 28. Any claim or action based on the theory of indemnification
20 or subrogation; provided, however, a political subdivision as
21 defined in ~~subparagraphs of~~ paragraph ~~11~~ 12 of Section 152 of this
22 title may enter into a contract with a contract operator or any
23 railroad operating in interstate commerce that sells a property
24 interest or provides services to a regional transportation

1 authority, or allows the regional transportation authority to use
2 the railroad's property or tracks for the provision of public
3 passenger rail service, providing for the allocation of financial
4 responsibility, indemnification, or the procurement of insurance for
5 the parties for all types of claims or damages, provided that funds
6 have been appropriated to cover the resulting contractual obligation
7 at the time the contract is executed. The acquisition of commercial
8 liability insurance to cover the activities of the regional
9 transportation authority, contract operator or railroad shall not
10 operate as a waiver of any of the liabilities, immunities or
11 defenses provided for political subdivisions pursuant to the
12 provisions of The Governmental Tort Claims Act. A contract entered
13 into under this paragraph shall not affect rights of employees under
14 the Federal Employers Liability Act or the Federal Railway Labor
15 Act;

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

18 30. Acts or omissions done in conformance with then current
19 recognized standards;

20 31. Maintenance of the state highway system or any portion
21 thereof unless the claimant presents evidence which establishes
22 either that the state failed to warn of the unsafe condition or that
23 the loss would not have occurred but for a negligent affirmative act
24 of the state;

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

6 33. Any court-ordered community sentence;

7 34. Remedial action and any subsequent related maintenance of
8 property pursuant to and in compliance with an authorized
9 environmental remediation program, order, or requirement of a
10 federal or state environmental agency;

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

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

18 37. Use of a public facility opened to the general public
19 during an emergency.

20 SECTION 3. This act shall become effective November 1, 2026.

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22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
23 OVERSIGHT, dated 03/03/2026 - DO PASS, As Amended and Coauthored.
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