

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1763

By: Jett

AS INTRODUCED

An Act relating to sentencing; defining terms; stating certain liability; authorizing civil action; creating felony offense; providing penalties; providing exceptions; stating time frame for which certain action shall be taken; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 983c of Title 22, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Gross negligence" means a reckless disregard for the public safety and the likelihood of recidivism, as established by clear and convincing evidence;

2. "Heinous subsequent crime" means any offense classified as a felony involving murder, manslaughter, rape, sexual assault, aggravated assault, robbery with a dangerous weapon, child abuse, or any crime resulting in serious bodily injury or death;

1        3. "Judge" means any duly elected or appointed judge of a court  
2 of record in this state exercising criminal jurisdiction;

3        4. "Light sentence" means a sentence of probation, suspended  
4 sentence, deferred sentence, or incarceration significantly below  
5 the midpoint of the statutory sentencing range for the offense, as  
6 determined by a court of competent jurisdiction in a subsequent  
7 proceeding;

8        5. "Prosecuting attorney" means any district attorney,  
9 assistant district attorney, or other attorney authorized to  
10 prosecute criminal cases on behalf of the State of Oklahoma or any  
11 political subdivision thereof;

12        6. "Unreasonably low bail" means the setting of bail in an  
13 amount substantially below what is reasonably necessary to ensure  
14 the defendant's appearance at trial and to protect public safety,  
15 considering the nature and circumstances of the offense, the weight  
16 of the evidence, the defendant's criminal history, and other  
17 relevant factors, as determined by a court of competent jurisdiction  
18 in a subsequent proceeding; and

19        7. "Refusal to prosecute" means the knowing and willful  
20 decision by a prosecuting attorney not to file charges or to dismiss  
21 charges against an individual for a felony offense where probable  
22 cause exists.

23        B. Notwithstanding any provision of law providing for judicial  
24 or prosecutorial immunity:

1        1. A judge who imposes a light sentence or sets unreasonably  
2 low bail, or a prosecuting attorney who engages in refusal to  
3 prosecute a felony offense, may be held personally liable in a civil  
4 action for damages proximately caused if the individual subsequently  
5 commits a heinous subsequent crime within five (5) years of the  
6 sentencing, bail setting, or refusal to prosecute, and it is proven  
7 by clear and convincing evidence that the light sentence,  
8 unreasonably low bail, or refusal to prosecute constituted gross  
9 negligence;

10       2. In any such civil action brought by or on behalf of a victim  
11 of the heinous subsequent crime or the victim's family, qualified  
12 immunity shall not apply, and the judge or prosecuting attorney may  
13 be sued individually for compensatory damages, punitive damages, and  
14 restitution to the victim or the victim's family for economic and  
15 noneconomic losses proximately caused by the heinous subsequent  
16 crime; and

17       3. If the gross negligence is proven beyond a reasonable doubt  
18 in a criminal proceeding initiated by the Attorney General, the  
19 judge or prosecuting attorney shall be guilty of a felony,  
20 punishable upon conviction by imprisonment in the custody of the  
21 Department of Corrections for a term equal to not less than one-half  
22 (1/2) the minimum sentence that could have been imposed on the  
23 original offender, or by a fine not exceeding One Hundred Thousand  
24 Dollars (\$100,000.00), or by both such imprisonment and fine. The

1 Attorney General shall have exclusive authority to investigate and  
2 prosecute violations under this paragraph.

3 C. This section shall not apply to:

4 1. Decisions made in good faith based on credible evidence of  
5 rehabilitation or insufficient proof; or

6 2. Mandatory minimum sentences or cases where the sentence or  
7 bail was mandated by law.

8 D. Any action under this section must be commenced within three  
9 (3) years after the commission of the heinous subsequent crime.

10 SECTION 2. It being immediately necessary for the preservation  
11 of the public peace, health or safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

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