

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3278

By: Pfeiffer

6 AS INTRODUCED

7 An Act relating to the Open Meeting Act; amending 25
8 O.S. 2021, Section 314, which relates to violations;
9 allowing the Attorney General to enter into a consent
10 order or issue a finding of violation to a public
11 body, agency, or officer; providing consent order
12 content; providing findings content; allowing the
13 Attorney General to require proof of compliance;
14 permitting application to the district court for
15 enforcement; providing jurisdiction; requiring court
16 order for compliance, civil penalties, costs, and
17 other remedies under certain circumstances; requiring
18 payment of attorney's fees for bad faith violations;
19 providing service procedures; defining term; and
20 providing an effective date.

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

22 SECTION 1. AMENDATORY 25 O.S. 2021, Section 314, is

23 amended to read as follows:

24 Section 314. A. Any person or persons willfully violating any
of the provisions of ~~this act~~ the Open Meeting Act shall be guilty
of a misdemeanor and upon conviction shall be punished by a fine not
exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the
county jail for a period not exceeding one (1) year or by both such
fine and imprisonment.

1 B. Following a violation of this act, any person:

2 1. May bring a civil suit for declarative or injunctive relief,

3 or both; and

4 2. If successful, shall be entitled to reasonable attorney

5 fees.

6 C. If the public body successfully defends a civil suit and the

7 court finds that the suit was clearly frivolous, the public body

8 shall be entitled to reasonable attorney fees.

9 D. In addition to criminal and civil penalties provided in this

10 section, the Attorney General may determine after an investigation,

11 by the greater weight of the evidence, that a public body, agency,

12 or officer has violated the Open Meeting Act, and may, at any time

13 prior to filing an action pursuant to subsection A of this section,

14 enter into a consent order with a public body, agency, or officer,

15 or may issue a finding of violation to a public body, agency, or

16 officer.

17 E. 1. If the Attorney General enters into a consent order with

18 a public body, agency, or officer, the consent order may contain

19 admissions of fact and any of the following:

20 a. for first-time violations after the effective date of

21 this act, required completion of training approved by

22 the Attorney General concerning the requirements of

23 the Open Meeting Act,

1 b. for subsequent violations after the effective date of
2 this act, imposed civil penalties up to One Hundred
3 Fifty Dollars (\$150.00) for each violation, and
4 c. language that the public body will comply with the
5 Open Meeting Act.

6 2. The consent order shall bear the signature of the head of
7 the public body, agency, or any officer found to have violated the
8 Open Meeting Act, and of any other person required by the Attorney
9 General.

10 F. If the Attorney General issues a finding of violation to a
11 public body, agency, or officer, the finding may contain findings of
12 fact and conclusions of law and may require a public body, agency,
13 or officer to do any or all of the following:

14 1. Cease and desist from further violation of the Open Meeting
15 Act;

16 2. Comply with the provisions of the Open Meeting Act;

17 3. Complete training approved by the Attorney General

18 concerning the requirements of the Open Meeting Act; and

19 4. Pay a civil penalty in an amount not to exceed Three Hundred
20 Dollars (\$300.00) for each violation.

21 G. The Attorney General may require submission of proof that
22 the requirements of any consent order or finding of violation have
23 been satisfied.

1 H. 1. The Attorney General may apply to the district court to
2 enforce a consent order or finding of violation. Prior to applying
3 to the district court, the Attorney General shall make a demand to
4 the public body, agency, or officer to comply with the consent order
5 or finding of violation and afford reasonable opportunity for the
6 public body, agency, or officer to cure the violation.

7 2. An enforcement action under paragraph 1 of this subsection
8 may be filed in the district court of the county where the consent
9 order or finding of violation is issued or is effective. The
10 district court of any county shall have jurisdiction to enforce any
11 consent order or finding of violation.

12 3. If the district court finds the Attorney General did not
13 abuse the Attorney General's discretion in entering into the consent
14 order or issuing the finding of violation, the district court shall
15 enter an order that:

- 16 a. enjoins the public body, agency, or officer to comply
17 with the consent order or finding of violation,
- 18 b. imposes a civil penalty as provided for in this
19 section. The penalty shall be set by the court in an
20 amount not less than the amount recommended by the
21 Attorney General, nor more than Three Hundred Dollars
22 (\$300.00) for each violation,

1 c. requires the public body or agency to pay the Attorney
2 General's court costs and costs incurred in
3 investigating the violation, and
4 d. provides for any other remedy authorized by this
5 section that the court deems appropriate.

6 I. If a court finds in an enforcement action under subsection H
7 of this section, that any of the provisions of the Open Meeting Act
8 were violated, such court:

9 1. May require the public body or agency to pay the Attorney
10 General's reasonable attorney fees; and
11 2. Shall require the public body or agency to pay the Attorney
12 General's reasonable attorney fees, if the public body's or agency's
13 violation was not made in good faith and without a reasonable basis
14 in fact or law.

15 J. Any finding of violation issued by the Attorney General
16 under this section shall be served on the public body, agency, or
17 officer:

18 1. By certified mail, return receipt requested, to the last
19 known place of business, residence, or abode within or without this
20 state; or

21 2. In the manner provided under Section 2004 of Title 12 of the
22 Oklahoma Statutes.

23 K. The Attorney General shall maintain and make available for
24 public inspection, copying, and mechanical reproduction all consent

1 orders entered and all findings of violation issued pursuant to this
2 section.

3 L. For the purposes of this section, "district court" means:

4 1. For state agencies, boards, commissions, or members thereof,
5 the District Court of Oklahoma County; or

6 2. For county and municipal boards, commissions, or members

7 thereof, the district court in which the member or governing board
8 is primarily located.

9 SECTION 2. This act shall become effective January 1, 2027.

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