

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB4425 _____
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

Amendment submitted by: Kyle Hilbert

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

PROPOSED OVERSIGHT
COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 4425

By: Hilbert

PROPOSED OVERSIGHT COMMITTEE SUBSTITUTE

An Act relating to torts; creating the Good Faith Reporting for Child Protection Act; amending 76 O.S. 2021, Section 31, which relates to immunity from civil liability for volunteers, charitable organizations, and not-for-profit corporations; adding employees of charitable organizations to immunity; creating immunity for charitable organizations, volunteers, and employees of charitable organizations for disclosing sexually inappropriate conduct with a minor to other charitable organizations or not-for-profits under certain conditions; creating a presumption of good faith if disclosure was made in compliance with a reporting policy; excluding self-reporting from immunity protections; defining employee; clarifying effect of immunity for volunteers; providing effective date for change; providing for noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Good Faith Reporting for Child Protection Act".

SECTION 2. AMENDATORY 76 O.S. 2021, Section 31, is amended to read as follows:

Section 31. A. Any employee of a charitable organization or volunteer shall be immune from liability in a civil action on the basis of any act or omission of the employee of a charitable organization or volunteer resulting in damage or injury if:

1. The employee of a charitable organization or volunteer was acting in good faith and within the scope of the employee's or volunteer's official functions and duties for a charitable organization or not-for-profit corporation; and

2. The damage or injury was not caused by gross negligence or willful and wanton misconduct by the employee or volunteer.

B. In any civil action against a charitable organization or not-for-profit corporation for damages based upon the conduct of employee of a charitable organization or a volunteer, the doctrine of respondeat superior shall apply, notwithstanding the immunity granted to the employee or volunteer in subsection A of this section.

C. 1. Any charitable organization, volunteer, or employee of a charitable organization shall be immune from liability in a civil action for any act to disclose sexually inappropriate conduct with a minor by the charitable organization, volunteer, or employee of a charitable organization resulting in breach of contract, damages, or

1 injury if the charitable organization, volunteer, or employee of a
2 charitable organization:

- 3 a. was acting in good faith in the disclosure of sexually
4 inappropriate conduct with a minor to another
5 charitable organization or not-for-profit,
- 6 b. the person who had sexually inappropriate conduct with
7 a minor was or is an employee or volunteer of the
8 disclosing charitable organization,
- 9 c. the disclosure was made in relation to the person's
10 current or prospective employment or volunteering with
11 the disclosed to charitable organization or not-for-
12 profit, and
- 13 d. reported the sexually inappropriate conduct with a
14 minor to a law enforcement agency or the Department of
15 Human Services within seventy-two (72) hours of
16 becoming aware of the sexually inappropriate conduct
17 with a minor.

18 2. A presumption of good faith shall arise if the disclosure
19 provided for in subparagraph a of paragraph 1 of this subsection was
20 made in compliance with a reporting policy adopted by the disclosing
21 charitable organization. The reporting policy shall include, but
22 not be limited to, defining actions or behaviors constituting
23 sexually inappropriate conduct with a minor.

1 3. The immunity provided for in this subsection shall not apply
2 to an individual disclosing his or her own conduct that constitutes
3 sexually inappropriate conduct with a minor.

4 D. Any person who, in good faith and without compensation, or
5 expectation of compensation, donates or loans emergency service
6 equipment to a volunteer shall not be liable for damages resulting
7 from the use of such equipment by the volunteer, except when the
8 donor of the equipment knew or should have known that the equipment
9 was dangerous or faulty in a way which could result in bodily
10 injury, death, or damage to property.

11 ~~D.~~ E. Definitions.

12 1. For the purposes of this section, the term "volunteer" means
13 a person who enters into a service or undertaking of the person's
14 free will without compensation or expectation of compensation in
15 money or other thing of value in order to provide a service, care,
16 assistance, advice, or other benefit; provided, being legally
17 entitled to receive compensation for the service or undertaking
18 performed shall not preclude a person from being considered a
19 volunteer.

20 2. For the purposes of this section, the term "charitable
21 organization" means any benevolent, philanthropic, patriotic,
22 eleemosynary, educational, social, civic, recreational, religious
23 group or association, or any other person performing or purporting
24 to perform acts beneficial to the public.

1 3. For the purposes of this section, the term "not-for-profit
2 corporation" means a corporation formed for a purpose not involving
3 pecuniary gain to its shareholders or members, paying no dividends
4 or other pecuniary remuneration, directly or indirectly, to its
5 shareholders or members as such, and having no capital stock.

6 4. For purposes of this section, the term "employee" means a
7 person who performs ministerial, supervisory, or staff services for
8 a charitable organization and is subject to the organization's
9 governance, direction, or authority in connection with those
10 services, regardless of tax classification. The term "employee"
11 does not include an independent contractor or third-party service
12 provider who retains control over the manner and means of performing
13 services.

14 ~~E.~~ F. The provisions of this section shall not affect the
15 liability that any person may have which arises from the operation
16 of a motor vehicle, watercraft, or aircraft in rendering the
17 service, care, assistance, advice, or other benefit as a volunteer.
18 Provided, however, the liability of any person with a current motor
19 vehicle insurance policy at the required minimum limits who
20 volunteers to provide transportation shall not exceed the limits of
21 such insurance policy, except for gross negligence or willful or
22 wanton conduct committed in providing such transportation. In no
23 event shall the limitation on liability provided under this
24

subsection apply to a person who does not possess a current motor vehicle policy when providing transportation.

~~F. The~~

G. For a volunteer, the immunity from civil liability provided for by subsection A of this section shall extend only to the actions taken by a person rendering the service, care, assistance, advice, or other benefit as a volunteer, where such actions are agreed upon in advance by all involved persons to be provided on a volunteer basis. This section shall not be construed to confer any immunity to any person for actions taken by the volunteer prior to or after the rendering of the service, care, assistance, advice, or other benefit as a volunteer.

~~G. H.~~ This section shall apply to all civil actions filed after ~~August 25, 1995~~ November 1, 2026.

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

60-2-16710 AQH 02/24/26