

1 STATE OF OKLAHOMA

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

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 3581

7 By: Lepak

8 POLICY COMMITTEE RECOMMENDATION

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 22 O.S. 2021, Section 1101, as
16 last amended by Section 1, Chapter 169, O.S.L. 2025
17 (22 O.S. Supp. 2025, Section 1101), which relates to
18 bailable offenses; providing for the denial of bail
19 for certain felony offenses; amending 51 O.S. 2021,
20 Section 155, as amended by Section 21, Chapter 228,
21 O.S.L. 2022 (51 O.S. Supp. 2025, Section 155), which
22 relates to The Oklahoma Governmental Tort Claims Act;
23 providing exception to certain exemption from
24 liability; and declaring an emergency.

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

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:

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

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

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

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

21 4. If such person directed, advised, encouraged or solicited
22 other persons, who participated in the riot to acts of force or
23 violence, such person shall, upon conviction, be guilty of a Class
24 B1 felony offense punishable by imprisonment in the custody of the

1 Department of Corrections for a term not exceeding twenty (20) years
2 and not less than two (2) years; ~~or~~

3 5. If such person commits any assault and battery in the course
4 of a riot, such person shall, upon conviction, be guilty of a Class
5 B3 felony offense punishable by imprisonment in the custody of the
6 Department of Corrections for a term not exceeding ten (10) years
7 and not less than two (2) years;

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

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

19 8. Every person who wears a mask, hood, covering, or disguise
20 without lawful excuse and for the purpose of concealing his or her
21 identity in the course of a riot shall, upon conviction, be guilty
22 of a Class D3 felony offense punishable by imprisonment in the
23 custody of the Department of Corrections for a term not exceeding
24 two (2) years, or by a fine of not less than One Hundred Dollars

1 (\$100.00) and not exceeding Two Thousand Five Hundred Dollars
2 (\$2,500.00), 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 impeding,
5 hindering or restraining motor vehicle traffic or passage thereon,
6 by standing or approaching motor vehicles thereon, or by endangering
7 the safe movement of motor vehicles or pedestrians traveling thereon
8 shall, upon conviction, be guilty of a ~~misdemeanor~~ Class D3 felony
9 offense punishable by imprisonment in the ~~county jail~~ custody of the
10 Department of Corrections for a term not exceeding ~~one (1) year~~ two
11 (2) years, or by a fine of not less than One Hundred Dollars
12 (\$100.00) and not exceeding Five Thousand Dollars (\$5,000.00), or by
13 both such fine and imprisonment. In addition, the person shall be
14 liable for all damages to person or property by reason of the same.
15 As used in this paragraph, "obstruct" means to render impassable or
16 to render passage unreasonably inconvenient or hazardous.

17 In all other cases such person is punishable as for a
18 misdemeanor.

19 SECTION 2. AMENDATORY 22 O.S. 2021, Section 1101, as
20 last amended by Section 1, Chapter 169, O.S.L. 2025 (22 O.S. Supp.
21 2025, Section 1101), is amended to read as follows:

22 Section 1101. A. Except as otherwise provided by law, bail, by
23 sufficient sureties, shall be admitted upon all arrests in criminal
24 cases where the offense is not punishable by death and in such cases

1 it may be taken by any of the persons or courts authorized by law to
2 arrest, to imprison offenders or to perform pretrial services, or by
3 the clerk of the district court or his or her deputy, or by the
4 judge of such courts.

5 B. In criminal cases where the defendant is currently an
6 escaped prisoner from the Department of Corrections, the defendant
7 must be processed back into the Department of Corrections prior to
8 bail being set on new criminal charges.

9 C. All persons shall be bailable by sufficient sureties, except
10 that bail may be denied for:

11 1. Capital offenses when the proof of guilt is evident, or the
12 presumption thereof is great;

13 2. Violent offenses;

14 3. Offenses where the maximum sentence may be life imprisonment
15 or life imprisonment without parole;

16 4. Felony offenses where the person charged with the offense
17 has been convicted of two or more felony offenses arising out of
18 different transactions;

19 5. Controlled dangerous substances offenses where the maximum
20 sentence may be at least ten (10) years' imprisonment; ~~and~~

21 6. Driving under the influence of alcohol or other intoxicating
22 substance if such person has previously been convicted with two
23 felonies for driving under the influence of alcohol or other
24 intoxicating substance; and

1 7. Felony offenses where the person has been charged with
2 participating in a riot as described in Section 1312 of Title 21 of
3 the Oklahoma Statutes.

4 On all offenses specified in paragraphs 2 through ~~6~~ 7 of this
5 subsection, the proof of guilt must be evident, or the presumption
6 must be great, and it must be on the grounds that no condition of
7 release would assure the safety of the community or any person.

8 D. There shall be a rebuttable presumption that no condition of
9 release would assure the safety of the community if the state shows
10 by clear and convincing evidence that the person was arrested for a
11 violation of Section 741 of Title 21 of the Oklahoma Statutes.

12 E. If the person was arrested for any crime provided for in the
13 Protection from Domestic Abuse Act or a violent crime provided for
14 in Section 571 of Title 57 of the Oklahoma Statutes, the court shall
15 be responsible for assessing prior patterns of abuse and shall
16 present written findings on the bail amount.

17 F. There shall be a rebuttable presumption that no conditions
18 of release on bond would assure the safety of the community or any
19 person therein if the state shows by clear and convincing evidence
20 that:

21 1. The person was arrested for a violent offense and released
22 on bond; and

1 2. While out on bond, the person was subsequently arrested and
2 charged for a violent crime as set forth ~~for~~ in Section 571 of Title
3 57 of the Oklahoma Statutes.

4 SECTION 3. AMENDATORY 51 O.S. 2021, Section 155, as
5 amended by Section 21, Chapter 228, O.S.L. 2022 (51 O.S. Supp. 2025,
6 Section 155), is amended to read as follows:

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

9 1. Legislative functions;

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

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

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

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

21 6. Civil disobedience, riot, insurrection or rebellion or the
22 failure to provide, or the method of providing, police, law
23 enforcement or fire protection, unless the loss or claim results
24 from instances where the state or political subdivision was aware of

1 the dangerous condition and failed to take any reasonable action to
2 alleviate or mitigate damage, loss, or injury from civil
3 disobedience, riot, insurrection, or rebellion or makes an
4 affirmative decision or establishes a policy to allow for civil
5 disobedience, riot, insurrection, or rebellion;

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

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

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

13 10. Natural conditions of property of the state or political
14 subdivision;

15 11. Assessment or collection of taxes or special assessments,
16 license or registration fees, or other fees or charges imposed by
17 law;

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

22 13. Inspection powers or functions, including failure to make
23 an inspection, review or approval, or making an inadequate or
24 negligent inspection, review or approval of any property, real or

1 personal, to determine whether the property complies with or
2 violates any law or contains a hazard to health or safety, or fails
3 to conform to a recognized standard;

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

6 15. Absence, condition, location or malfunction of any traffic
7 or road sign, signal or warning device unless the absence,
8 condition, location or malfunction is not corrected by the state or
9 political subdivision responsible within a reasonable time after
10 actual or constructive notice or the removal or destruction of such
11 signs, signals or warning devices by third parties, action of
12 weather elements or as a result of traffic collision except on
13 failure of the state or political subdivision to correct the same
14 within a reasonable time after actual or constructive notice.

15 Nothing herein shall give rise to liability arising from the failure
16 of the state or any political subdivision to initially place any of
17 the above signs, signals or warning devices. The signs, signals and
18 warning devices referred to herein are those used in connection with
19 hazards normally connected with the use of roadways or public ways
20 and do not apply to the duty to warn of special defects such as
21 excavations or roadway obstructions;

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

23 17. Misrepresentation, if unintentional;

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

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

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

11 21. Participation in any activity approved by a local board of
12 education and held within a building or on the grounds of the school
13 district served by that local board of education before or after
14 normal school hours or on weekends;

15 22. Use of indoor or outdoor school property and facilities
16 made available for public recreation before or after normal school
17 hours or on weekends or school vacations, except those claims
18 resulting from willful and wanton acts of negligence. For purposes
19 of this paragraph:

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

23 b. "recreation" means any indoor or outdoor physical
24 activity, either organized or unorganized, undertaken

1 for exercise, relaxation, diversion, sport or
2 pleasure, and that is not otherwise covered by
3 paragraph 20 or 21 of this section;

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

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

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

18 26. Provision, equipping, operation or maintenance of any
19 juvenile detention facility, or injuries resulting from the escape
20 of a juvenile detainee, or injuries by a juvenile detainee to any
21 other juvenile detainee;

22 27. Any claim or action based on the theory of manufacturer's
23 products liability or breach of warranty, either expressed or
24 implied;

1 28. Any claim or action based on the theory of indemnification
2 or subrogation; provided, however, a political subdivision as
3 defined in ~~subparagraphs~~ of paragraph ~~11~~ 12 of Section 152 of this
4 title may enter into a contract with a contract operator or any
5 railroad operating in interstate commerce that sells a property
6 interest or provides services to a regional transportation
7 authority, or allows the regional transportation authority to use
8 the railroad's property or tracks for the provision of public
9 passenger rail service, providing for the allocation of financial
10 responsibility, indemnification, or the procurement of insurance for
11 the parties for all types of claims or damages, provided that funds
12 have been appropriated to cover the resulting contractual obligation
13 at the time the contract is executed. The acquisition of commercial
14 liability insurance to cover the activities of the regional
15 transportation authority, contract operator or railroad shall not
16 operate as a waiver of any of the liabilities, immunities or
17 defenses provided for political subdivisions pursuant to the
18 provisions of The Governmental Tort Claims Act. A contract entered
19 into under this paragraph shall not affect rights of employees under
20 the Federal Employers Liability Act or the Federal Railway Labor
21 Act;

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

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1 30. Acts or omissions done in conformance with then current
2 recognized standards;

3 31. Maintenance of the state highway system or any portion
4 thereof unless the claimant presents evidence which establishes
5 either that the state failed to warn of the unsafe condition or that
6 the loss would not have occurred but for a negligent affirmative act
7 of the state;

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

13 33. Any court-ordered community sentence;

14 34. Remedial action and any subsequent related maintenance of
15 property pursuant to and in compliance with an authorized
16 environmental remediation program, order, or requirement of a
17 federal or state environmental agency;

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

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

1 37. Use of a public facility opened to the general public
2 during an emergency.

3 SECTION 4. It being immediately necessary for the preservation
4 of the public peace, health or safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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