

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3581

By: Lepak

AS INTRODUCED

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

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:

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 B3 felony offense punishable by imprisonment in the custody of the  
4 Department of Corrections for a term not exceeding ten (10) years  
5 and not less than two (2) years;

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

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

18       8. Every person who wears a mask, hood, covering, or disguise  
19 without lawful excuse and for the purpose of concealing his or her  
20 identity in the course of a riot shall, upon conviction, be guilty  
21 of a Class D3 felony offense punishable by imprisonment in the  
22 custody of the Department of Corrections for a term not exceeding  
23 two (2) years, or by a fine of not less than One Hundred Dollars  
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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 51 O.S. 2021, Section 155, as  
20 amended by Section 21, Chapter 228, O.S.L. 2022 (51 O.S. Supp. 2025,  
21 Section 155), is amended to read as follows:

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

24 1. Legislative functions;

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

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

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

9        5. Performance of or the failure to exercise or perform any act  
10 or service which is in the discretion of the state or political  
11 subdivision or its employees;

12        6. Civil disobedience, riot, insurrection or rebellion or the  
13 failure to provide, or the method of providing, police, law  
14 enforcement or fire protection, unless the loss or claim results  
15 from instances where the state or political subdivision was aware of  
16 the dangerous condition and failed to take any reasonable action to  
17 alleviate or mitigate damage, loss, or injury from civil  
18 disobedience, riot, insurrection, or rebellion or makes an  
19 affirmative decision or establishes a policy to allow for civil  
20 disobedience, riots, insurrection, or rebellion;

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

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

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 subparagraph s 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 of the Secretary  
3 of State made in good faith by an employee of the office of the  
4 Secretary of State as required by the provisions of Section 1-9-  
5 320.6 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       60-2-14737       GRS       01/09/26  
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