

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3966

By: Munson

AS INTRODUCED

An Act relating to wrongful convictions; amending 51 O.S. 2021, Section 154, as amended by Section 2, Chapter 292, O.S.L. 2025 (51 O.S. Supp. 2025, Section 154), which relates to The Governmental Tort Claims Act; providing for retroactive application of wrongful conviction claims; and providing an effective date.

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

SECTION 1. AMENDATORY 51 O.S. 2021, Section 154, as amended by Section 2, Chapter 292, O.S.L. 2025 (51 O.S. Supp. 2025, Section 154), is amended to read as follows:

Section 154. A. The total liability of the state and its political subdivisions on claims within the scope of The Governmental Tort Claims Act, arising out of an accident or occurrence happening after October 1, 1985, Section 151 et seq. of this title, shall not exceed:

1. Twenty-five Thousand Dollars (\$25,000.00) for any claim or to any claimant who has more than one claim for loss of property arising out of a single act, accident, or occurrence;

1        2. Except as otherwise provided in this paragraph, One Hundred  
2 Twenty-five Thousand Dollars (\$125,000.00) to any claimant for a  
3 claim for any other loss arising out of a single act, accident, or  
4 occurrence. The limit of liability for the state or any city or  
5 county with a population of three hundred thousand (300,000) or more  
6 according to the latest Federal Decennial Census, or a political  
7 subdivision as defined in subparagraph s of paragraph ~~11~~ 12 of  
8 Section 152 of this title, shall not exceed One Hundred Seventy-five  
9 Thousand Dollars (\$175,000.00). Except however, the limits of the  
10 liability for the University Hospitals and State Mental Health  
11 Hospitals operated by the Department of Mental Health and Substance  
12 Abuse Services for claims arising from medical negligence shall be  
13 Two Hundred Thousand Dollars (\$200,000.00). For claims arising from  
14 medical negligence by any licensed physician, osteopathic physician  
15 or certified nurse-midwife rendering prenatal, delivery or infant  
16 care services from September 1, 1991, through June 30, 1996,  
17 pursuant to a contract authorized by subsection B of Section 1-106  
18 of Title 63 of the Oklahoma Statutes and in conformity with the  
19 requirements of Section 1-233 of Title 63 of the Oklahoma Statutes,  
20 the limits of the liability shall be Two Hundred Thousand Dollars  
21 (\$200,000.00); or

22        3. One Million Dollars (\$1,000,000.00) for any number of claims  
23 arising out of a single occurrence or accident.  
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1 B. 1. Beginning on July 1, ~~2025~~ 2026, claims shall be allowed  
2 for wrongful criminal felony conviction resulting in imprisonment if  
3 the claimant has received a full pardon on the basis of a written  
4 finding by the Governor of actual innocence for the crime for which  
5 the claimant was sentenced or has been granted judicial relief  
6 absolving the claimant of guilt on the basis of actual innocence of  
7 the crime for which the claimant was sentenced. The Governor or the  
8 court shall specifically state, in the pardon or order, the evidence  
9 or basis on which the finding of actual innocence is based.

10 2. As used in paragraph 1 of this subsection, for a claimant to  
11 recover based on "actual innocence", the individual must meet the  
12 following criteria:

- 13 a. the individual was charged, by indictment or  
14 information, with the commission of a public offense  
15 classified as a felony,
- 16 b. the individual was sentenced to incarceration for a  
17 term of imprisonment as a result of the conviction,
- 18 c. the individual was imprisoned solely on the basis of  
19 the conviction for the offense, and
- 20 d. (1) in the case of a pardon, a determination was made  
21 by either the Pardon and Parole Board or the  
22 Governor that the offense for which the  
23 individual was convicted, sentenced and  
24

1           imprisoned, including any lesser offenses, was  
2           not committed by the individual, or

3           (2) in the case of judicial relief, a court of  
4           competent jurisdiction found by clear and  
5           convincing evidence that the offense for which  
6           the individual was convicted, sentenced and  
7           imprisoned, including any lesser included  
8           offenses, was not committed by the individual and  
9           issued an order vacating, dismissing or reversing  
10          the conviction and sentence and providing that no  
11          further proceedings can be or will be held  
12          against the individual on any facts and  
13          circumstances alleged in the proceedings which  
14          had resulted in the conviction.

15          3. A claimant shall not be entitled to compensation for any  
16          part of a sentence in prison during which the claimant was also  
17          serving a concurrent sentence for a crime not covered by this  
18          subsection.

19          4. The total liability of the state and its political  
20          subdivisions on any claim within the scope of The Governmental Tort  
21          Claims Act arising out of wrongful criminal felony conviction  
22          resulting in imprisonment shall be in an amount equal to Fifty  
23          Thousand Dollars (\$50,000.00) multiplied by the number of years  
24          served in prison, expressed as a fraction to reflect partial years.

1        5. In addition to the award of damages provided for in  
2 paragraph 4 of this subsection, a claimant who served his or her  
3 time on death row shall be entitled to receive supplemental  
4 compensation in the amount of Fifty Thousand Dollars (\$50,000.00)  
5 multiplied by the number of years the person served on death row,  
6 expressed as a fraction to reflect partial years.

7        6. In addition to the award of damages provided for in  
8 paragraph 4 of this subsection, a claimant who was released on  
9 parole or released under conditions of probation shall be entitled  
10 to receive supplemental compensation in the amount of Twenty-five  
11 Thousand Dollars (\$25,000.00) multiplied by the number of years the  
12 person was on parole or under probation, expressed as a fraction to  
13 reflect partial years.

14        7. A claimant entitled to compensation under the provisions of  
15 this subsection shall be entitled to an award of damages under this  
16 subsection of One Million Dollars (\$1,000,000.00) or less shall be  
17 paid to the claimant in a lump sum. If an award of damages under  
18 this subsection exceeds One Million Dollars (\$1,000,000.00), then  
19 One Million Dollars (\$1,000,000.00) of the award shall be paid to  
20 the claimant in a lump sum and the remainder shall be paid annually  
21 in equal payments over a period of three (3) years.

22        8. The provisions of this subsection shall apply to  
23 exonerations occurring on and after July 1, 1975. If a court of  
24 competent jurisdiction finds that retroactive application of this

1 subsection is unconstitutional, the prospective application of this  
2 subsection shall remain valid.

3 C. No award for damages in an action or any claim against the  
4 state or a political subdivision shall include punitive or exemplary  
5 damages.

6 D. When the amount awarded to or settled upon multiple  
7 claimants exceeds the limitations of this section, any party may  
8 apply to the district court which has jurisdiction of the cause to  
9 apportion to each claimant the claimant's proper share of the total  
10 amount as limited herein. The share apportioned to each claimant  
11 shall be in the proportion that the ratio of the award or settlement  
12 made to him or her bears to the aggregate awards and settlements for  
13 all claims against the state or its political subdivisions arising  
14 out of the occurrence. When the amount of the aggregate losses  
15 presented by a single claimant exceeds the limits of paragraph 1 or  
16 2 of subsection A of this section, each person suffering a loss  
17 shall be entitled to that person's proportionate share.

18 E. The total liability of resident physicians and interns while  
19 participating in a graduate medical education program of the  
20 University of Oklahoma College of Medicine, its affiliated  
21 institutions and the Oklahoma College of Osteopathic Medicine and  
22 Surgery shall not exceed One Hundred Thousand Dollars (\$100,000.00).

23 F. The state or a political subdivision may petition the court  
24 that all parties and actions arising out of a single accident or

1 occurrence shall be joined as provided by law, and upon order of the  
2 court the proceedings upon good cause shown shall be continued for a  
3 reasonable time or until such joinder has been completed. The state  
4 or political subdivision shall be allowed to interplead in any  
5 action which may impose on it any duty or liability pursuant to The  
6 Governmental Tort Claims Act.

7 G. The liability of the state or political subdivision under  
8 The Governmental Tort Claims Act shall be several from that of any  
9 other person or entity, and the state or political subdivision shall  
10 only be liable for that percentage of total damages that corresponds  
11 to its percentage of total negligence. Nothing in this section  
12 shall be construed as increasing the liability limits imposed on the  
13 state or political subdivision under The Governmental Tort Claims  
14 Act.

15 SECTION 2. This act shall become effective November 1, 2026.  
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17 60-2-15251 GRS 01/09/26  
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