

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1631

By: Goodwin

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6 AS INTRODUCED

7 An Act relating to torts; stating liability of peace
8 officers for injuries related to the deprivation of
9 certain rights; making statutory immunities and
10 limitations on liability inapplicable to claims
11 brought by plaintiffs; prohibiting the assertion of
12 qualified immunity as a defense to liability;
13 providing for the award of reasonable attorney fees
14 and costs; directing employers to indemnify peace
15 officers under certain circumstances; prohibiting
16 indemnification of peace officers under certain
17 circumstances; providing for codification; and
18 providing an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 121 of Title 76, unless there is
22 created a duplication in numbering, reads as follows:

23 A. A peace officer, as defined in Section 99 of Title 21 of the
24 Oklahoma Statutes, employed by the state or any political
subdivision of this state who, under color of law, subjects or
causes to be subjected, including failing to intervene, any other

1 person to the deprivation of any individual rights that create
2 binding obligations on government actors secured by the Bill of
3 Rights, Article II of the Oklahoma Constitution, is liable to the
4 injured party for legal or equitable relief or any other appropriate
5 relief.

6 B. Statutory immunities and statutory limitations on liability,
7 damages, or attorney fees do not apply to claims brought pursuant to
8 this section. The Governmental Tort Claims Act shall not apply to
9 claims brought pursuant to this section.

10 C. Qualified immunity is not a defense to liability pursuant to
11 this section.

12 D. In any action brought pursuant to this section, a court
13 shall award reasonable attorney fees and costs to a prevailing
14 plaintiff. In actions for injunctive relief, a court shall deem a
15 plaintiff to have prevailed if the lawsuit of the plaintiff was a
16 substantial factor or significant catalyst in obtaining the results
17 sought by the litigation. When a judgment is entered in favor of a
18 defendant, the court may award reasonable costs and attorney fees to
19 the defendant for defending any claims the court finds frivolous.

20 E. The employer of the peace officer shall indemnify its peace
21 officer for any liability incurred by the peace officer and for any
22 judgment or settlement entered against the peace officer for claims
23 arising pursuant to this section; except that, if the employer of
24 the peace officer determines the peace officer did not act upon a

1 good-faith and reasonable belief that the action was lawful, then
2 the peace officer shall be personally liable and shall not be
3 indemnified by the employer of the peace officer for five percent
4 (5%) of the judgment or settlement or Twenty-five Thousand Dollars
5 (\$25,000.00), whichever is less. Notwithstanding any provision of
6 this section to the contrary, if the peace officer's portion of the
7 judgment is uncollectible from the peace officer, the employer of
8 the peace officer or insurance provider shall satisfy the full
9 amount of the judgment or settlement. The peace officer shall not
10 be indemnified by the employer for any monetary judgments or legal
11 expenses, including attorney fees, if the conduct of the peace
12 officer from which the claim arose constituted a criminal offense
13 and the peace officer was convicted of said criminal offense.

14 SECTION 2. This act shall become effective November 1, 2023.

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16 59-1-6832 GRS 12/13/22

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