

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 3276

By: Humphrey

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7 COMMITTEE SUBSTITUTE

8 An Act relating to qualified immunity; prohibiting  
9 law enforcement officers from being liable for  
10 monetary damages under certain circumstances;  
11 prohibiting the state and political subdivisions from  
12 being liable under certain circumstances; providing  
13 guidelines for plaintiffs when asserting claims of  
14 alleged violations; providing for immediate appeals  
15 when qualified immunity denied; stating applicability  
16 of provision; providing for codification; and  
17 providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 152.4 of Title 51, unless there  
21 is created a duplication in numbering, reads as follows:

22 A. A law enforcement officer of the state or a political  
23 subdivision of the state subject to a claim brought under The  
24 Governmental Tort Claims Act shall not be liable for monetary  
damages if any of the following apply:

1. The right, privilege, or immunity secured by law was not  
clearly established at the time of the alleged deprivation, or at

1 the time of the alleged deprivation the state of the law was not  
2 sufficiently clear that every reasonable employee would have  
3 understood that the conduct alleged constituted a violation of law;  
4 or

5 2. A court of competent jurisdiction has issued a final  
6 decision on the merits holding, without reversal, vacatur, or  
7 preemption, that the specific conduct alleged to be unlawful was  
8 consistent with the law.

9 B. The state or a political subdivision of the state shall not  
10 be liable for any claim brought under The Governmental Tort Claims  
11 Act where the law enforcement officer was determined to be protected  
12 by qualified immunity under the provisions of subsection A of this  
13 section.

14 C. A plaintiff who brings a claim under The Governmental Tort  
15 Claims Act alleging a violation of the law must state with  
16 particularity the circumstances constituting the violation and that  
17 the law was clearly established at the time of the alleged  
18 violation. Failure to plead a plausible violation or failure to  
19 plead that the law was clearly established at the time of the  
20 alleged violation shall result in dismissal with prejudice.

21 D. Any decision by the district court denying qualified  
22 immunity shall be immediately appealable.

23 E. This section shall apply in addition to any other statutory  
24 or common law immunity.

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SECTION 2. This act shall become effective November 1, 2022.

58-2-10440      GRS      02/10/22