

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 13, 2019

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 715

By: Paxton of the Senate and Kannady of the House


Title: Injunctions; creating the Protection from Workplace Harassment and Violence Act; allowing employers to file a petition for certain injunctive relief. Effective date.

_____ together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

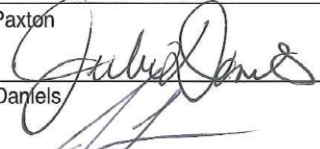
1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,


SENATE CONFEREES:




Paxton



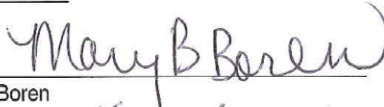
Daniels



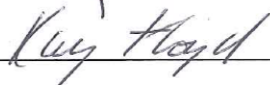
Leewright



Weaver



Boren



Floyd

HOUSE CONFEREES:

Conference Committee on Judiciary

Senate Action _____ Date _____ House Action _____ Date _____

epc

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 715

By: Paxton of the Senate

and

6 Kannady of the House

7
8
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to injunctions; creating the
11 Protection from Workplace Harassment and Violence
12 Act; providing short title; defining terms;
13 authorizing employers to file petition for certain
14 injunctive relief; specifying required content for
15 certain petition; providing for applicability of
16 certain procedural requirements; authorizing certain
17 injunctive relief; providing immunity from civil
18 liability for certain actions; providing exception;
19 construing provisions; providing for noncodification;
20 providing for codification; and providing an
21 effective date.

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

23 SECTION 1. NEW LAW A new section of law not to be
24 codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Protection from
Workplace Harassment and Violence Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1398 of Title 12, unless there
3 is created a duplication in numbering, reads as follows:

4 A. As used in the Protection from Workplace Harassment and
5 Violence Act:

6 1. "Course of conduct" means a pattern of conduct composed of a
7 series of two or more separate acts over a period of time, however
8 short, evidencing a continuity of purpose;

9 2. "Credible threat of violence" is a knowing and willful
10 statement or course of conduct that would place a reasonable person
11 in fear for his or her safety, or the safety of his or her immediate
12 family, and that serves no legitimate purpose;

13 3. "Employer" means an individual, partnership, association or
14 corporation or a person or group of persons who act, directly or
15 indirectly, on behalf of or in the interest of an employer and with
16 the consent of the employer. "Employer" includes this state and any
17 political subdivision of this state; and

18 4. "Workplace harassment" means a pattern or course of conduct
19 that is directed toward another individual in a workplace that
20 includes repeated or continuing contact that would cause a
21 reasonable person to suffer emotional distress and that actually
22 causes emotional distress to the victim. "Workplace harassment"
23 includes, but is not limited to, credible threats of violence.

24

1 B. An employer or an authorized agent of an employer may file a
2 written verified petition with the district court of the county in
3 which the employer is located for an injunction prohibiting
4 workplace harassment. The petition shall state:

5 1. The name of the employer;

6 2. The name and address, if known, of the defendant; and

7 3. A specific statement showing the events and dates of the
8 acts that constitute workplace harassment toward the employer, any
9 employee or any person who enters the property of the employer or
10 who is performing official work duties on behalf of or for the
11 benefit of the employer.

12 C. Any issuance of injunctive relief on a petition filed
13 pursuant to this section shall be in accordance with the procedural
14 requirements of Chapter 24 of Title 12 of the Oklahoma Statutes. If
15 the court grants an ex parte or permanent injunction against
16 workplace harassment, the court may:

17 1. Restrain the defendant from coming near the property of the
18 employer or place of business and restrain the defendant from
19 contacting the employer, an employee or other person while that
20 employee or person is on or at the property of the employer or place
21 of business or is performing official work duties; and

22 2. Grant any other relief necessary for the protection of the
23 employer, the workplace, employees of the employer or any other
24 person who is on or at the property of the employer or place of

1 business or who is performing official work duties on behalf of or
2 for the benefit of the employer.

3 D. An employer shall be immune from civil liability for seeking
4 or failing to seek an injunction under this section unless the
5 employer is seeking an injunction primarily to accomplish a purpose
6 for which the injunction was not designed. This section shall not
7 be construed to:

8 1. Expand, diminish, alter or modify the duty of an employer to
9 provide a safe workplace for employees and other persons; or

10 2. Permit a court to issue a temporary restraining order or
11 injunction that prohibits speech or other activities that are
12 constitutionally protected or otherwise protected by law.

13 SECTION 3. This act shall become effective November 1, 2019.

14

15 57-1-2262 TEK 5/14/2019 4:19:07 PM

16

17

18

19

20

21

22

23

24