

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3022

By: Humphrey

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8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to prisons and reformatories;  
10 defining terms; providing for the designation and use  
11 of changing rooms and restrooms in state correctional  
12 facilities; establishing restrictions on the use of  
13 changing rooms and restrooms; providing for the  
14 designation and use of sleeping quarters in state  
15 correctional facilities; establishing restrictions on  
16 the use of sleeping quarters; providing exceptions;  
17 allowing private causes of action for declaratory and  
18 injunctive relief; providing statute of limitations  
19 for bringing claims; allowing for the recovery of  
20 attorney fees and costs; providing for codification;  
21 and providing an effective date.

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

26                   SECTION 1.           NEW LAW           A new section of law to be codified  
27 in the Oklahoma Statutes as Section 801 of Title 57, unless there is  
28 created a duplication in numbering, reads as follows:

29                   As used in this act:

1           1. "Changing room" means a room or area in which a person may  
2 be in a state of undress in the presence of others, including a  
3 locker room or shower room;

4           2. "Female" means an individual who has, had, will have, or  
5 would have, but for a developmental or genetic anomaly or historical  
6 accident, the reproductive system that at some point produces,  
7 transports, and utilizes eggs for fertilization;

8           3. "Male" means an individual who has, had, will have, or would  
9 have, but for a developmental or genetic anomaly or historical  
10 accident, the reproductive system that at some point produces,  
11 transports, and utilizes sperm for fertilization;

12          4. "Restroom" means a room that includes one or more toilets or  
13 urinals;

14          5. "Sex" means the biological sex of a person, either male or  
15 female, as observed or clinically verified at birth;

16          6. "Sleeping quarters" means a room with more than one bed and  
17 in which more than one individual is housed overnight; and

18          7. "State correctional facility" means a facility or  
19 institution that is under the jurisdiction and control of the  
20 Department of Corrections. A state correctional facility does not  
21 include any county or municipal detention centers or holding  
22 facilities.

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1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 802 of Title 57, unless there is  
3 created a duplication in numbering, reads as follows:

4 A. Every restroom and changing room within a state correctional  
5 facility that is designated for the use of incarcerated individuals  
6 and that is accessible by multiple individuals at the same time  
7 shall be designated for use only by members of one sex.

8 B. A restroom or changing room within a state correctional  
9 facility that is designated for one sex shall be used only by  
10 members of that sex. No incarcerated individual shall enter a  
11 restroom or changing room that is designated for one sex unless he  
12 or she is a member of that sex and the state correctional facility  
13 shall ensure that all restrooms and changing rooms provide its users  
14 with privacy from members of the opposite sex.

15 C. Each sleeping quarter within a state correctional facility  
16 that is designated for the use of incarcerated individuals and that  
17 is accessible by multiple individuals at the same time shall be  
18 designated for use only by members of one sex.

19 D. A sleeping quarter within a state correctional facility that  
20 is designated for one sex shall be used only by members of that sex.  
21 No incarcerated individual shall be housed in a sleeping quarter  
22 that is designated for one sex unless he or she is a member of that  
23 sex.

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1 E. The provisions of this section shall not apply to an  
2 incarcerated individual who enters a restroom, changing room, or  
3 sleeping quarter designated for the opposite sex:

4 1. For custodial or maintenance purposes;

5 2. To render medical assistance;

6 3. During a natural disaster, emergency, or when necessary to  
7 prevent a serious threat to order or safety; or

8 4. On a temporary basis, which shall not include overnight  
9 housing, at the direction of the state correctional facility.

10 SECTION 3. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 803 of Title 57, unless there is  
12 created a duplication in numbering, reads as follows:

13 A. An incarcerated individual who, while accessing a restroom  
14 or changing room designated for use by his or her sex, encounters a  
15 person of the opposite sex in that restroom or changing room, has a  
16 private cause of action for declaratory and injunctive relief  
17 against the Department of Corrections if:

18 1. The state correctional facility gave that person permission  
19 to use a restroom or changing room of the opposite sex; or

20 2. The state correctional facility failed to take reasonable  
21 steps to prohibit that person from using the restroom or changing  
22 room of the opposite sex.

23 B. An incarcerated individual who is required by the state  
24 correctional facility to share sleeping quarters with a person of

1 the opposite sex has a private cause of action for declaratory and  
2 injunctive relief against the Department of Corrections.

3 C. All civil actions brought pursuant to this section shall be  
4 initiated within two (2) years after the violation occurred. An  
5 individual aggrieved under the provisions of this section who  
6 prevails in court may recover reasonable attorney fees and costs  
7 from the Department of Corrections.

8 SECTION 4. This act shall become effective November 1, 2024.

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10 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,  
11 dated 02/21/2024 - DO PASS, As Amended.

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