

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2531

By: Humphrey

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6 AS INTRODUCED

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

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

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

21 A. A law enforcement officer of the state or a political
22 subdivision of the state subject to a claim brought under The
23 Governmental Tort Claims Act shall not be liable for monetary
24 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
the time of the alleged deprivation the state of the law was not

1 sufficiently clear that every reasonable employee would have
2 understood that the conduct alleged constituted a violation of law;
3 or

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

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

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

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

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

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

59-1-5544 GRS 12/16/22