

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2999

By: Worthen

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5  
6 AS INTRODUCED

7 An Act relating to civil procedure; amending 12 O.S.  
8 2021, Section 1384.1, which relates to temporary  
9 restraining orders; providing a prohibition against  
10 obtaining an ex-parte temporary restraining order  
11 against the state or a political subdivision; and  
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 12 O.S. 2021, Section 1384.1, is  
15 amended to read as follows:

16 Section 1384.1 A. No temporary injunction shall be issued  
17 without notice to the adverse party.

18 B. A temporary restraining order may be granted without written  
19 or oral notice to the adverse party or the attorney for the adverse  
20 party only if:

21 1. It clearly appears from specific facts shown by affidavit or  
22 by the verified petition that immediate and irreparable injury,  
23 loss, or damage will result to the applicant before the adverse  
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1 party or the attorney for the adverse party can be heard in  
2 opposition; or

3 2. The attorney for the applicant certifies to the court in  
4 writing the efforts, if any, which have been made to give the notice  
5 and the reasons supporting the claim that notice should not be  
6 required; and the court determines that the efforts of the applicant  
7 to give notice, if any, were reasonable under the circumstances.

8 C. Every temporary restraining order granted without notice:

9 1. Shall be endorsed with the date and hour of issuance;

10 2. Shall be filed in the office of the court clerk and entered  
11 of record; and

12 3. Shall define the injury and state why it is irreparable and  
13 why the order was granted without notice.

14 D. If a temporary restraining order is granted without notice,  
15 the motion for a temporary injunction shall be set down for hearing  
16 at the earliest possible time and takes precedence of all matters  
17 except older matters of the same character. When the motion comes  
18 on for hearing the party who obtained the temporary restraining  
19 order shall proceed with the application for a temporary injunction  
20 and, if the party does not do so, the court shall dissolve the  
21 temporary restraining order. On two (2) days' notice to the party  
22 who obtained the temporary restraining order without notice or on  
23 such shorter notice to that party as the court may prescribe, the  
24 adverse party may appear and move its dissolution, modification, or

1 require the posting of an undertaking, and in that event the court  
2 shall proceed to hear and determine the motion as expeditiously as  
3 the ends of justice require.

4 E. This section shall not apply to temporary restraining orders  
5 in actions for a divorce, alimony without a divorce, separate  
6 maintenance, an annulment, custody, or similar matters, guardianship  
7 or juvenile proceedings, or to proceedings brought pursuant to  
8 special statutes that provide alternate procedures for the obtaining  
9 of temporary restraining orders or temporary injunctions.

10 F. No ex-parte temporary restraining order shall be issued  
11 against the state or political subdivision thereof.

12 SECTION 2. This act shall become effective November 1, 2024.

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14 59-2-8966 AO 12/27/23

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