

1 **SENATE FLOOR VERSION**

2 April 7, 2015

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 1964

6 By: O'Donnell of the House

7 and

8 Newberry of the Senate

9 **[civil procedure - willful misconduct or gross**
10 **negligence - ~~effective date~~ -**
11 **emergency]**

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

13 SECTION 1. AMENDATORY 12 O.S. 2011, Section 1557, is
14 amended to read as follows:

15 Section 1557. A. Whenever, in the exercise of its authority, a
16 court shall have ordered the deposit or delivery of money or other
17 thing, and the order is disobeyed, the court, besides punishing the
18 disobedience as for contempt, may make an order requiring the
19 sheriff to take the money, or thing, and deposit or deliver it, in
20 conformity with the direction of the court.

21 B. A receiver shall be held liable for acts which constitute
22 willful misconduct or gross negligence committed while serving as a
23 receiver.

1 C. Any party may motion the court for the removal or discipline
2 of a receiver for conduct that constitutes gross negligence or
3 willful misconduct. Upon the motion, the court shall conduct a
4 hearing on the motion within thirty (30) days and may remove the
5 receiver for any reason, including gross negligence or willful
6 misconduct.

7 D. 1. A receiver shall be immune from civil liability to the
8 same extent as a judge acting in a judicial capacity.

9 2. The immunity afforded by this section supplements any
10 immunity under the law.

11 3. If a person or legal entity commences a civil action against
12 a receiver arising from the services, actions or inactions regarding
13 the performance of the receiver's duties and the court determines
14 that the receiver is immune from liability for those alleged actions
15 or inactions, the court may award to the receiver reasonable
16 attorney fees and other reasonable expenses of litigation.

17 4. As appointed officers of the court and enjoying the immunity
18 set forth in paragraph 1 of this subsection, receivers shall also be
19 subject to investigation by the Council on Judicial Complaints and
20 discipline by the Court on the Judiciary or the Oklahoma Supreme
21 Court.

22 ~~**SECTION 2. This act shall become effective July 1, 2015.**~~

23 ~~**SECTION 3. It being immediately necessary for the preservation**~~
24 ~~**of the public peace, health and safety, an emergency is hereby**~~

1 ~~declared to exist, by reason whereof this act shall take effect and~~
2 ~~be in full force from and after its passage and approval.~~

3 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
4 April 7, 2015 - DO PASS AS AMENDED
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