

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1964

By: O'Donnell

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5
6 AS INTRODUCED

7 An Act relating to civil procedure; amending 12 O.S.
8 2011, Section 1557, which relates to receivers;
9 mandating receiver liability for willful misconduct
10 or gross negligence; allowing any party to motion for
11 receiver discipline or removal; directing court to
12 hold hearing within specified time; declaring civil
13 immunity for receiver; providing that immunity
14 afforded is supplementary; permitting court to award
15 attorney fees and expenses to receiver in certain
16 civil action; specifying receivers are subject to
17 investigation and discipline by the Council on
18 Judicial Complaints; providing an effective date; and
19 declaring an emergency.

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

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

28 Section 1557. A. Whenever, in the exercise of its authority, a
29 court shall have ordered the deposit or delivery of money or other
30 thing, and the order is disobeyed, the court, besides punishing the
31 disobedience as for contempt, may make an order requiring the
32 sheriff to take the money, or thing, and deposit or deliver it, in
33 conformity with the direction of the court.
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1 B. A receiver shall be held liable for acts which constitute
2 willful misconduct or gross negligence committed while serving as a
3 receiver.

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

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

12 2. The immunity afforded by this section supplements any
13 immunity under the law.

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

21 4. As appointed officers of the court and enjoying the immunity
22 set forth in paragraph 1 of this subsection, receivers shall also be
23 subject to investigation and discipline by the Council on Judicial
24 Complaints.

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

2 SECTION 3. It being immediately necessary for the preservation
3 of the public peace, health and safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

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