

1 0.0ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 576

By: Kidd of the Senate

3 and

4 Conley of the House

5

6 An Act relating to school employees; amending Section
7 2, Chapter 323, O.S.L. 2018 (70 O.S. Supp. 2018,
8 Section 1210.163), which relates to reporting of
9 potential abuse or neglect; directing certain report
10 involving a child under certain age to be made to
11 certain hotline; requiring allegations reported to a
12 county office to be referred to certain hotline;
13 directing certain report involving a child over
14 certain age to be made to local law enforcement;
15 providing an effective date; and declaring an
16 emergency.

12

13 AUTHOR: Add the following House Coauthor: Branham

14 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
15 and replace with:

15

16 "An Act relating to school employees; amending 10A
17 O.S. 2011, Section 1-2-101, as last amended by
18 Section 5 of Enrolled Senate Bill No. 1041 of the
19 1st Session of the 57th Oklahoma Legislature, which
20 relates to child abuse or neglect reporting;
21 modifying reporting requirements for school
22 employee; requiring confidentiality for reports;
23 amending Section 2, Chapter 323, O.S.L. 2018 (70
24 O.S. Supp. 2018, Section 1210.163), which relates to
reporting potential abuse or neglect; directing
school employee to report suspected child abuse or
neglect to Department of Human Services and local
law enforcement; requiring allegations reported to a
county office be referred to Department hotline;
mandating report involving a student who is not a
minor to be made to local law enforcement; directing
law enforcement and school employee to keep

1 identifying information of reporter confidential;
2 providing an effective date; and declaring an
3 emergency.
4

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

6 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-2-101, as
7 last amended by Section 5 of Enrolled Senate Bill No. 1041 of the
8 1st Session of the 57th Oklahoma Legislature, is amended to read as
9 follows:

10 Section 1-2-101. A. 1. The Department of Human Services shall
11 establish a statewide centralized hotline for the reporting of child
12 abuse or neglect to the Department.

13 2. The Department shall provide hotline-specific training
14 including, but not limited to, interviewing skills, customer service
15 skills, narrative writing, necessary computer systems, making case
16 determinations, and identifying priority situations.

17 3. The Department is authorized to contract with third parties
18 in order to train hotline workers.

19 4. The Department shall develop a system to track the number of
20 calls received, and of that number:

- 21 a. the number of calls screened out,
 - 22 b. the number of referrals assigned,
- 23
24

1 c. the number of calls received by persons unwilling to
2 disclose basic personal information including, but not
3 limited to, first and last name, and

4 d. the number of calls in which the allegations were
5 later found to be unsubstantiated or ruled out.

6 5. The Department shall electronically record each referral
7 received by the hotline and establish a secure means of retaining
8 the recordings for twelve (12) months. The recordings shall be
9 confidential and subject to disclosure only if a court orders the
10 disclosure of the referral. The Department shall redact any
11 information identifying the reporting party unless otherwise ordered
12 by the court.

13 B. 1. Every person having reason to believe that a child under
14 the age of eighteen (18) years is a victim of abuse or neglect shall
15 report the matter immediately to the Department of Human Services.
16 Reports shall be made to the hotline provided for in subsection A of
17 this section. Any allegation of abuse or neglect reported in any
18 manner to a county office shall immediately be referred to the
19 hotline by the Department. Provided, however, that in actions for
20 custody by abandonment, provided for in Section 2-117 of Title 30 of
21 the Oklahoma Statutes, there shall be no reporting requirement.

22 2. a. Every ~~teacher of any child under the age of eighteen~~
23 ~~(18) years~~ school employee having reason to believe
24 that a ~~child~~ student under the age of eighteen (18)

1 years is a victim of abuse or neglect shall report the
2 matter immediately to the Department of Human Services
3 and local law enforcement. Reports to the Department
4 shall be made to the hotline provided for in
5 subsection A of this section. Any allegation of abuse
6 or neglect reported in any manner to a county office
7 shall immediately be referred to the hotline by the
8 Department. Provided, however, that in actions for
9 custody by abandonment, provided for in Section 2-117
10 of Title 30 of the Oklahoma Statutes, there shall be
11 no reporting requirement, ~~and.~~

12 b. ~~every teacher of a student age eighteen (18) years or~~
13 ~~older~~ Every school employee having reason to believe
14 that a student age eighteen (18) years or older is a
15 victim of abuse or neglect shall report the matter
16 immediately to local law enforcement.

17 c. In reports required by subparagraph a or b of this
18 paragraph, local law enforcement shall keep
19 confidential and redact any information identifying
20 the reporting school employee unless otherwise ordered
21 by the court. A school employee with knowledge of a
22 report required by subparagraph a or b of this
23 paragraph shall not disclose information identifying
24 the reporting school employee unless otherwise ordered

1 by the court or as part of an investigation by local
2 law enforcement or the Department.

3 3. Every physician, surgeon, or other health care professional
4 including doctors of medicine, licensed osteopathic physicians,
5 residents and interns, or any other health care professional or
6 midwife involved in the prenatal care of expectant mothers or the
7 delivery or care of infants shall promptly report to the Department
8 instances in which an infant tests positive for alcohol or a
9 controlled dangerous substance. This shall include infants who are
10 diagnosed with Neonatal Abstinence Syndrome or Fetal Alcohol
11 Spectrum Disorder.

12 4. No privilege or contract shall relieve any person from the
13 requirement of reporting pursuant to this section.

14 5. The reporting obligations under this section are individual,
15 and no employer, supervisor, administrator, governing body or entity
16 shall interfere with the reporting obligations of any employee or
17 other person or in any manner discriminate or retaliate against the
18 employee or other person who in good faith reports suspected child
19 abuse or neglect, or who provides testimony in any proceeding
20 involving child abuse or neglect. Any employer, supervisor,
21 administrator, governing body or entity who discharges,
22 discriminates or retaliates against the employee or other person
23 shall be liable for damages, costs and attorney fees. If a child
24 who is the subject of the report or other child is harmed by the

1 discharge, discrimination or retaliation described in this
2 paragraph, the party harmed may file an action to recover damages,
3 costs and attorney fees.

4 6. Every physician, surgeon, other health care professional or
5 midwife making a report of abuse or neglect as required by this
6 subsection or examining a child to determine the likelihood of abuse
7 or neglect and every hospital or related institution in which the
8 child was examined or treated shall provide, upon request, copies of
9 the results of the examination or copies of the examination on which
10 the report was based and any other clinical notes, x-rays,
11 photographs, and other previous or current records relevant to the
12 case to law enforcement officers conducting a criminal investigation
13 into the case and to employees of the Department of Human Services
14 conducting an investigation of alleged abuse or neglect in the case.

15 C. Any person who knowingly and willfully fails to promptly
16 report suspected child abuse or neglect or who interferes with the
17 prompt reporting of suspected child abuse or neglect may be reported
18 to local law enforcement for criminal investigation and, upon
19 conviction thereof, shall be guilty of a misdemeanor. Any person
20 with prolonged knowledge of ongoing child abuse or neglect who
21 knowingly and willfully fails to promptly report such knowledge may
22 be reported to local law enforcement for criminal investigation and,
23 upon conviction thereof, shall be guilty of a felony. For the

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1 purposes of this paragraph, "prolonged knowledge" shall mean
2 knowledge of at least six (6) months of child abuse or neglect.

3 D. 1. Any person who knowingly and willfully makes a false
4 report pursuant to the provisions of this section or a report that
5 the person knows lacks factual foundation may be reported to local
6 law enforcement for criminal investigation and, upon conviction
7 thereof, shall be guilty of a misdemeanor.

8 2. If a court determines that an accusation of child abuse or
9 neglect made during a child custody proceeding is false and the
10 person making the accusation knew it to be false at the time the
11 accusation was made, the court may impose a fine, not to exceed Five
12 Thousand Dollars (\$5,000.00) and reasonable attorney fees incurred
13 in recovering the sanctions, against the person making the
14 accusation. The remedy provided by this paragraph is in addition to
15 paragraph 1 of this subsection or to any other remedy provided by
16 law.

17 E. Nothing contained in this section shall be construed to
18 exempt or prohibit any person from reporting any suspected child
19 abuse or neglect pursuant to subsection B of this section.

20 SECTION 2. AMENDATORY Section 2, Chapter 323, O.S.L.
21 2018 (70 O.S. Supp. 2018, Section 1210.163), is amended to read as
22 follows:

23 Section 1210.163 A. ~~A school employee who has reason to~~
24 ~~believe that a student is a victim of abuse or neglect shall report~~

1 ~~the matter promptly to the Department of Human Services and to local~~
2 ~~law enforcement. Reports to the Department of Human Services shall~~
3 ~~be made via the hotline provided for in subsection A of Section 1-2-~~
4 ~~101 of Title 10A of the Oklahoma Statutes~~ Every school employee
5 having reason to believe that a student under the age of eighteen
6 (18) years is a victim of abuse or neglect shall report the matter
7 immediately to the Department of Human Services and local law
8 enforcement. Reports to the Department shall be made to the hotline
9 provided for in Section 1-2-101 of Title 10A of the Oklahoma
10 Statutes. Any allegation of abuse or neglect reported in any manner
11 to a county office shall immediately be referred to the hotline by
12 the Department.

13 B. Every school employee having reason to believe that a
14 student age eighteen (18) years or older is a victim of abuse or
15 neglect shall report the matter immediately to local law
16 enforcement.

17 C. In reports required by subsection A or B of this section,
18 local law enforcement shall keep confidential and redact any
19 information identifying the reporting school employee unless
20 otherwise ordered by the court. A school employee with knowledge of
21 a report required by subsection A or B of this section shall not
22 disclose information identifying the reporting school employee
23 unless otherwise ordered by the court or as part of an investigation
24 by local law enforcement or the Department.

1 D. For the purposes of this section, "child abuse and neglect"
2 shall include, but not be limited to:

3 1. Child abuse as defined in Section 843.5 of Title 21 of the
4 Oklahoma Statutes;

5 2. Sexual abuse or sexual exploitation as defined in Section 1-
6 1-105 of Title 10A of the Oklahoma Statutes;

7 3. Contributing to the delinquency of a minor as defined in
8 Section 856 of Title 21 of the Oklahoma Statutes;

9 4. Trafficking in children, as defined in Section 866 of Title
10 21 of the Oklahoma Statutes;

11 5. Incest as described in Section 885 of Title 21 of the
12 Oklahoma Statutes;

13 6. Forcible sodomy, as described in Section 888 of Title 21 of
14 the Oklahoma Statutes;

15 7. Maliciously, forcibly or fraudulently taking or enticing a
16 child away, as described in Section 891 of Title 21 of the Oklahoma
17 Statutes;

18 8. Soliciting or aiding a minor child to perform or showing,
19 exhibiting, loaning or distributing obscene material or child
20 pornography, as described in Section 1021 of Title 21 of the
21 Oklahoma Statutes;

22 9. Procuring or causing the participation of any minor child in
23 any child pornography or knowingly possessing, procuring or
24

1 manufacturing child pornography, as described in Section 1021.2 of
2 Title 21 of the Oklahoma Statutes;

3 10. Permitting or consenting to the participation of a minor
4 child in any child pornography, as described in Section 1021.3 of
5 Title 21 of the Oklahoma Statutes;

6 11. Facilitating, encouraging, offering or soliciting sexual
7 conduct with a minor, as described in Section 1040.13a of Title 21
8 of the Oklahoma Statutes;

9 12. Offering or offering to secure a minor child for the
10 purposes of prostitution or any other lewd or indecent act, as
11 described in Section 1087 of Title 21 of the Oklahoma Statutes;

12 13. Causing, inducing, persuading or encouraging a minor child
13 to engage or continue to engage in prostitution, as described in
14 Section 1088 of Title 21 of the Oklahoma Statutes;

15 14. Rape or rape by instrumentation, as described in Sections
16 1111.1 and 1114 of Title 21 of the Oklahoma Statutes; and

17 15. Making any oral, written or electronically or computer-
18 generated lewd or indecent proposals to a minor child under the age
19 of sixteen (16) as described in Section 1123 of Title 21 of the
20 Oklahoma Statutes.

21 SECTION 3. This act shall become effective July 1, 2019.

22 SECTION 4. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby

24

1 ENGROSSED SENATE
2 BILL NO. 576

By: Kidd of the Senate

3 and

4 Conley of the House

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6 An Act relating to school employees; amending Section
7 2, Chapter 323, O.S.L. 2018 (70 O.S. Supp. 2018,
8 Section 1210.163), which relates to reporting of
9 potential abuse or neglect; directing certain report
10 involving a child under certain age to be made to
11 certain hotline; requiring allegations reported to a
12 county office to be referred to certain hotline;
13 directing certain report involving a child over
14 certain age to be made to local law enforcement;
15 providing an effective date; and declaring an
16 emergency.

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

18 SECTION 5. AMENDATORY Section 2, Chapter 323, O.S.L.
19 2018 (70 O.S. Supp. 2018, Section 1210.163), is amended to read as
20 follows:

21 Section 1210.163. A. ~~A school employee who has reason to~~
22 ~~believe that a student is a victim of abuse or neglect shall report~~
23 ~~the matter promptly to the Department of Human Services and to local~~
24 ~~law enforcement. Reports to the Department of Human Services shall~~
~~be made via the hotline provided for in subsection A of Section 1-2-~~
~~101 of Title 10A of the Oklahoma Statutes~~ Every school employee
having reason to believe that a child under the age of eighteen (18)

1 is a victim of abuse or neglect shall report the matter immediately
2 to the Department of Human Services. Reports shall be made to the
3 hotline provided for in Section 1-2-101 of Title 10A of the Oklahoma
4 Statutes. Any allegation of abuse or neglect reported in any manner
5 to a county office shall immediately be referred to the hotline by
6 the Department.

7 B. Every school employee having reason to believe that a
8 student age eighteen (18) or older is a victim of abuse or neglect
9 shall report the matter immediately to local law enforcement.

10 C. For the purposes of this section, "child abuse and neglect"
11 shall include, but not be limited to:

12 1. Child abuse as defined in Section 843.5 of Title 21 of the
13 Oklahoma Statutes;

14 2. Sexual abuse or sexual exploitation as defined in Section 1-
15 1-105 of Title 10A of the Oklahoma Statutes;

16 3. Contributing to the delinquency of a minor as defined in
17 Section 856 of Title 21 of the Oklahoma Statutes;

18 4. Trafficking in children, as defined in Section 866 of Title
19 21 of the Oklahoma Statutes;

20 5. Incest as described in Section 885 of Title 21 of the
21 Oklahoma Statutes;

22 6. Forcible sodomy, as described in Section 888 of Title 21 of
23 the Oklahoma Statutes;

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1 7. Maliciously, forcibly or fraudulently taking or enticing a
2 child away, as described in Section 891 of Title 21 of the Oklahoma
3 Statutes;

4 8. Soliciting or aiding a minor child to perform or showing,
5 exhibiting, loaning or distributing obscene material or child
6 pornography, as described in Section 1021 of Title 21 of the
7 Oklahoma Statutes;

8 9. Procuring or causing the participation of any minor child in
9 any child pornography or knowingly possessing, procuring or
10 manufacturing child pornography, as described in Section 1021.2 of
11 Title 21 of the Oklahoma Statutes;

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13 in any child pornography, as described in Section 1021.3 of Title 21
14 of the Oklahoma Statutes;

15 11. Facilitating, encouraging, offering or soliciting sexual
16 conduct with a minor, as described in Section 1040.13a of Title 21
17 of the Oklahoma Statutes;

18 12. Offering or offering to secure a minor child for the
19 purposes of prostitution or any other lewd or indecent act, as
20 described in Section 1087 of Title 21 of the Oklahoma Statutes;

21 13. Causing, inducing, persuading or encouraging a minor child
22 to engage or continue to engage in prostitution, as described in
23 Section 1088 of Title 21 of the Oklahoma Statutes;

24

1 14. Rape or rape by instrumentation, as described in Sections
2 1111.1 and 1114 of Title 21 of the Oklahoma Statutes; and

3 15. Making any oral, written or electronically or computer-
4 generated lewd or indecent proposals to a minor child under the age
5 of sixteen (16) as described in Section 1123 of Title 21 of the
6 Oklahoma Statutes.

7 SECTION 6. This act shall become effective July 1, 2019.

8 SECTION 7. It being immediately necessary for the preservation
9 of the public peace, health or safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

12 Passed the Senate the 13th day of March, 2019.

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Presiding Officer of the Senate

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16 Passed the House of Representatives the ____ day of _____,
17 2019.

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Presiding Officer of the House
of Representatives

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