

1 ENGROSSED HOUSE
2 BILL NO. 2604

By: Echols of the House

3 and

4 Bice of the Senate

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7 [children - directing Department of Human Services
8 to create a perpetrator registry - effective date]
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. NEW LAW A new section of law not to be
14 codified in the Oklahoma Statutes reads as follows:

15 This act shall be known and may be cited as the "Harris
16 Richardson Act".

17 SECTION 2. AMENDATORY 10A O.S. 2011, Section 1-2-108, as
18 amended by Section 1, Chapter 29, O.S.L. 2015 (10A O.S. Supp. 2018,
19 Section 1-2-108), is amended to read as follows:

20 Section 1-2-108. A. There is hereby established within the
21 Department of Human Services an information system for the
22 maintenance of all reports of child abuse, sexual abuse, sexual
23 exploitation, and neglect made pursuant to the provisions of the
24 Oklahoma Children's Code.

1 B. The Children and Family Services Division of the Department
2 shall be responsible for maintaining a suitably cross-indexed system
3 of all the reports.

4 C. The records maintained shall contain, but shall not be
5 limited to:

6 1. All information in the written report required by Section 1-
7 2-101 of this title;

8 2. A record of the final disposition of the report including
9 services offered and services accepted;

10 3. The plan for rehabilitative treatment; and

11 4. Any other relevant information.

12 D. Data and information maintained and related to individual
13 cases shall be confidential ~~and shall be made available only~~ except
14 as authorized by state or federal law.

15 E. The ~~Commission for~~ Department of Human Services shall
16 promulgate rules governing the availability of such data and
17 information.

18 F. Rules promulgated by the ~~Commission~~ Department shall
19 encourage cooperation with other states in exchanging reports in
20 order to effect a national registration system.

21 G. No person shall allow the data and information maintained to
22 be released except as authorized by ~~Chapter VI of the Oklahoma~~
23 Children's Code law.

1 H. Records obtained by the Department shall be maintained by
2 the Department until otherwise provided by law.

3 I. Beginning January 1, 2020, the Department shall create a
4 perpetrator registry which shall contain records of all reports in
5 which allegations of child abuse, sexual abuse, sexual exploitation,
6 and neglect made on or after January 1, 2020, pursuant to the
7 Oklahoma Children's Code are determined after investigation to be
8 substantiated.

9 1. The perpetrator registry shall identify the perpetrator of
10 each substantiated report of child abuse, sexual abuse, sexual
11 exploitation or neglect and shall include the name, date of birth,
12 address and other identifying information of the perpetrator. The
13 Department shall notify the perpetrator that his or her information
14 is being added to the perpetrator registry and the perpetrator may
15 request an administrative hearing within thirty (30) days to review
16 the decision. If the hearing officer determines the perpetrator
17 poses no risk of harm or threatened harm to the health or safety of
18 a child, the perpetrator's information shall be removed from the
19 registry.

20 2. Information placed in the perpetrator registry shall be
21 confidential and may only be disclosed to an employer or volunteer
22 organization for purposes of screening an applicant, employee or
23 volunteer who is or who will be coming into contact with children in
24 the course of employment or volunteering. The information subject

1 to disclosure to an employer or volunteer organization is limited

2 to:

3 a. confirmation that the applicant, employee or volunteer
4 has a substantiated report,

5 b. the date the investigation was completed, and

6 c. the type of substantiated report.

7 3. The Department shall promulgate rules necessary to create a
8 perpetrator registry pursuant to this subsection.

9 SECTION 3. This act shall become effective November 1, 2019.

10 Passed the House of Representatives the 14th day of March, 2019.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2019.

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Presiding Officer of the Senate

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