

SENATE CHAMBER  
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. 1

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COMMITTEE AMENDMENT

(Date)

I move to amend Senate Bill No. 599, by substituting the attached floor substitute (Request #1967) for the title, enacting clause, and entire body of the measure.

Submitted by:

Waman Hamilton  
Senator Hamilton

I hereby grant permission for the floor substitute to be adopted.

Bill Weaver  
Senator Weaver, Chair (required)

Darryl Jones  
Senator Jones

Waman Hamilton  
Senator Hamilton

Senator Kern  
Senator Kern

\_\_\_\_\_  
Senator Brooks

Senator Murdock  
Senator Murdock

\_\_\_\_\_  
Senator Goodwin

Senator Wingard  
Senator Wingard

\_\_\_\_\_  
Senator Paxton, President Pro Tempore

\_\_\_\_\_  
Senator Daniels, Majority Floor Leader

Note: Public Safety committee majority requires five (5) members' signatures.

Hamilton-TEK-FS-SB599  
3/25/2025 3:06 PM

(Floor Amendments Only)

Date and Time Filed: 3/25/25 3:34 pm JD

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 FLOOR SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 599

6 By: Hamilton, Bullard, Burns,  
7 Deevers, Prieto,  
8 Standridge, McIntosh,  
9 Grellner, Wingard, Hines,  
10 Bergstrom, Murdock, Frix,  
11 Sacchieri, Woods, and  
12 Guthrie of the Senate

13 and

14 Turner of the House

15 FLOOR SUBSTITUTE

16 An Act relating to crimes and punishments; amending  
17 21 O.S. 2021, Section 843.5, as amended by Section 2,  
18 Chapter 151, O.S.L. 2024 (21 O.S. Supp. 2024, Section  
19 843.5), which relates to child sexual abuse;  
20 modifying requirements for imposition of certain  
21 punishments; and providing an effective date.

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

23 SECTION 1. AMENDATORY 21 O.S. 2021, Section 843.5, as  
24 amended by Section 2, Chapter 151, O.S.L. 2024 (21 O.S. Supp. 2024,  
Section 843.5), is amended to read as follows:

Section 843.5. A. Any person who shall willfully or  
maliciously engage in child abuse, as defined in this section,  
shall, upon conviction, be guilty of a felony punishable by

1 imprisonment in the custody of the Department of Corrections not  
2 exceeding life imprisonment, or by imprisonment in a county jail not  
3 exceeding one (1) year, or by a fine of not less than Five Hundred  
4 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00),  
5 or both such fine and imprisonment.

6 B. Any person responsible for the health, safety or welfare of  
7 a child who shall willfully or maliciously engage in enabling child  
8 abuse, as defined in this section, shall, upon conviction, be  
9 punished by imprisonment in the custody of the Department of  
10 Corrections not exceeding life imprisonment, or by imprisonment in a  
11 county jail not exceeding one (1) year, or by a fine of not less  
12 than Five Hundred Dollars (\$500.00) nor more than Five Thousand  
13 Dollars (\$5,000.00), or both such fine and imprisonment.

14 C. Any person responsible for the health, safety or welfare of  
15 a child who shall willfully or maliciously engage in child neglect,  
16 as defined in this section, shall, upon conviction, be punished by  
17 imprisonment in the custody of the Department of Corrections not  
18 exceeding life imprisonment, or by imprisonment in a county jail not  
19 exceeding one (1) year, or by a fine of not less than Five Hundred  
20 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00),  
21 or both such fine and imprisonment.

22 D. Any parent or other person who shall willfully or  
23 maliciously engage in enabling child neglect shall, upon conviction,  
24 be punished by imprisonment in the custody of the Department of

1 Corrections not exceeding life imprisonment, or by imprisonment in a  
2 county jail not exceeding one (1) year, or by a fine of not less  
3 than Five Hundred Dollars (\$500.00) nor more than Five Thousand  
4 Dollars (\$5,000.00), or both such fine and imprisonment.

5 E. Any person responsible for the health, safety or welfare of  
6 a child who shall willfully or maliciously engage in child sexual  
7 abuse, as defined in this section, shall, upon conviction, be  
8 punished by imprisonment in the custody of the Department of  
9 Corrections not exceeding life imprisonment, or by imprisonment in a  
10 county jail not exceeding one (1) year, or by a fine of not less  
11 than Five Hundred Dollars (\$500.00) nor more than Five Thousand  
12 Dollars (\$5,000.00), or both such fine and imprisonment, except as  
13 provided in Section 51.1a of this title or as otherwise provided in  
14 subsection F of this section for a child victim under twelve (12)  
15 years of age. Except for persons sentenced to life or life without  
16 parole, any person sentenced to imprisonment for two (2) years or  
17 more for a violation of this subsection shall be required to serve a  
18 term of post-imprisonment supervision pursuant to subparagraph f of  
19 paragraph 1 of subsection A of Section 991a of Title 22 of the  
20 Oklahoma Statutes under conditions determined by the Department of  
21 Corrections. The jury shall be advised that the mandatory post-  
22 imprisonment supervision shall be in addition to the actual  
23 imprisonment.

24

1 F. Any person responsible for the health, safety or welfare of  
2 a child who shall willfully or maliciously engage in child sexual  
3 abuse, as defined in this section, to a child under twelve (12)  
4 years of age shall, upon conviction, be punished by imprisonment in  
5 the custody of the Department of Corrections for not less than  
6 twenty-five (25) years nor more than life imprisonment, and by a  
7 fine of not less than Five Hundred Dollars (\$500.00) nor more than  
8 Five Thousand Dollars (\$5,000.00).

9 G. Any parent or other person who shall willfully or  
10 maliciously engage in enabling child sexual abuse shall, upon  
11 conviction, be punished by imprisonment in the custody of the  
12 Department of Corrections not exceeding life imprisonment, or by  
13 imprisonment in a county jail not exceeding one (1) year, or by a  
14 fine of not less than Five Hundred Dollars (\$500.00) nor more than  
15 Five Thousand Dollars (\$5,000.00), or both such fine and  
16 imprisonment.

17 H. Any person who shall willfully or maliciously engage in  
18 child sexual exploitation, as defined in this section, shall, upon  
19 conviction, be punished by imprisonment in the custody of the  
20 Department of Corrections not exceeding life imprisonment, or by  
21 imprisonment in a county jail not exceeding one (1) year, or by a  
22 fine of not less than Five Hundred Dollars (\$500.00) nor more than  
23 Five Thousand Dollars (\$5,000.00), or both such fine and  
24 imprisonment, except as provided in subsection I of this section for

1 a child victim under twelve (12) years of age. Except for persons  
2 sentenced to life or life without parole, any person sentenced to  
3 imprisonment for two (2) years or more for a violation of this  
4 subsection shall be required to serve a term of post-imprisonment  
5 supervision pursuant to subparagraph f of paragraph 1 of subsection  
6 A of Section 991a of Title 22 of the Oklahoma Statutes under  
7 conditions determined by the Department of Corrections. The jury  
8 shall be advised that the mandatory post-imprisonment supervision  
9 shall be in addition to the actual imprisonment.

10 I. Any person who shall willfully or maliciously engage in  
11 child sexual exploitation, as defined in this section, of a child  
12 under twelve (12) years of age shall, upon conviction, be punished  
13 by imprisonment in the custody of the Department of Corrections for  
14 not less than twenty-five (25) years nor more than life  
15 imprisonment, and by a fine of not less than Five Hundred Dollars  
16 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00).

17 J. Any person responsible for the health, safety or welfare of  
18 a child who shall willfully or maliciously engage in enabling child  
19 sexual exploitation, as defined in this section, shall, upon  
20 conviction, be punished by imprisonment in the custody of the  
21 Department of Corrections not exceeding life imprisonment, or by  
22 imprisonment in a county jail not exceeding one (1) year, or by a  
23 fine of not less than Five Hundred Dollars (\$500.00) nor more than  
24

1 Five Thousand Dollars (\$5,000.00), or both such fine and  
2 imprisonment.

3 K. 1. Notwithstanding any other provision of law, any person  
4 convicted of forcible anal or oral sodomy, rape, or rape by  
5 instrumentation, ~~or lewd molestation~~ of a child under fourteen (14)  
6 years of age ~~subsequent to a previous conviction for any offense of~~  
7 ~~forcible anal or oral sodomy, rape, rape by instrumentation, or lewd~~  
8 ~~molestation of a child under fourteen (14) years of age~~ shall be  
9 punished by death or by imprisonment for life without parole.

10 2. Notwithstanding any other provision of law, any person  
11 convicted of lewd molestation of a child under fourteen (14) years  
12 of age shall be punished by imprisonment for life without parole.

13 L. Provided, however, that nothing contained in this section  
14 shall prohibit any parent or guardian from using reasonable and  
15 ordinary force pursuant to Section 844 of this title.

16 M. Consent shall not be a defense for any violation provided  
17 for in this section.

18 N. Notwithstanding the age requirements of other statutes  
19 referenced within this section, this section shall apply to any  
20 child under eighteen (18) years of age.

21 O. As used in this section:

22 1. "Child abuse" means:

23 a. the willful or malicious harm or threatened harm or  
24 failure to protect from harm or threatened harm to the

1 health, safety or welfare of a child under eighteen  
2 (18) years of age by a person responsible for a  
3 child's health, safety or welfare, or

4 b. the act of willfully or maliciously injuring,  
5 torturing or maiming a child under eighteen (18) years  
6 of age by any person;

7 2. "Child neglect" means the willful or malicious neglect, as  
8 defined by Section 1-1-105 of Title 10A of the Oklahoma Statutes, of  
9 a child under eighteen (18) years of age by a person responsible for  
10 a child's health, safety or welfare;

11 3. "Child sexual abuse" means the willful or malicious sexual  
12 abuse of a child under eighteen (18) years of age by a person  
13 responsible for a child's health, safety or welfare and includes,  
14 but is not limited to:

15 a. sexual intercourse,

16 b. penetration of the vagina or anus, however slight, by  
17 an inanimate object or any part of the human body not  
18 amounting to sexual intercourse,

19 c. sodomy,

20 d. incest, or

21 e. a lewd act or proposal, as defined in this section;

22 4. "Child sexual exploitation" means the willful or malicious  
23 sexual exploitation of a child under eighteen (18) years of age by  
24 another and includes, but is not limited to:



- 1 a. human trafficking, as provided for in Section 748 of  
2 this title, if the offense involved child trafficking  
3 for commercial sex,
- 4 b. trafficking in children, as provided for in Section  
5 866 of this title, if the offense was committed for  
6 the sexual gratification of any person,
- 7 c. procuring or causing the participation of a minor in  
8 child pornography, as provided for in Section 1021.2  
9 of this title,
- 10 d. purchase, procurement or possession of child  
11 pornography, as provided for in Section 1024.2 of this  
12 title,
- 13 e. engaging in or soliciting prostitution, as provided  
14 for in Section 1029 of this title, if the offense  
15 involved child sex trafficking,
- 16 f. publication, distribution or participation in the  
17 preparation of obscene material, as provided for in  
18 Section 1040.8 of this title, if the offense involved  
19 child pornography,
- 20 g. aggravated possession of child pornography, as  
21 provided for in Section 1040.12a of this title,
- 22 h. sale or distribution of obscene material, as provided  
23 for in Section 1040.13 of this title,
- 24

- 1 i. soliciting sexual conduct or communication with a  
2 minor by use of technology, as provided for in Section  
3 1040.13a of this title,  
4 j. offering or transporting a child for purposes of child  
5 sex trafficking, as provided for in Section 1087 of  
6 this title, and  
7 k. child sex trafficking, as provided for in Section 1088  
8 of this title;

9 5. "Enabling child abuse" means the causing, procuring or  
10 permitting of child abuse by a person responsible for a child's  
11 health, safety or welfare;

12 6. "Enabling child neglect" means the causing, procuring or  
13 permitting of child neglect by a person responsible for a child's  
14 health, safety or welfare;

15 7. "Enabling child sexual abuse" means the causing, procuring  
16 or permitting of child sexual abuse by a person responsible for a  
17 child's health, safety or welfare;

18 8. "Enabling child sexual exploitation" means the causing,  
19 procuring or permitting of child sexual exploitation by a person  
20 responsible for a child's health, safety or welfare;

21 9. "Incest" means marrying, committing adultery or fornicating  
22 with a child by a person responsible for the health, safety or  
23 welfare of a child;

24 10. "Lewd act or proposal" means:

- 1 a. making any oral, written or electronic or computer-  
2 generated lewd or indecent proposal to a child for the  
3 child to have unlawful sexual relations or sexual  
4 intercourse with any person,
- 5 b. looking upon, touching, mauling or feeling the body or  
6 private parts of a child in a lewd or lascivious  
7 manner or for the purpose of sexual gratification,
- 8 c. asking, inviting, enticing or persuading any child to  
9 go alone with any person to a secluded, remote or  
10 secret place for a lewd or lascivious purpose,
- 11 d. urinating or defecating upon a child or causing,  
12 forcing or requiring a child to defecate or urinate  
13 upon the body or private parts of another person for  
14 the purpose of sexual gratification,
- 15 e. ejaculating upon or in the presence of a child,
- 16 f. causing, exposing, forcing or requiring a child to  
17 look upon the body or private parts of another person  
18 for the purpose of sexual gratification,
- 19 g. causing, forcing or requiring any child to view any  
20 obscene materials, child pornography or materials  
21 deemed harmful to minors as such terms are defined in  
22 Sections 1024.1 and 1040.75 of this title,  
23  
24

- 1 h. causing, exposing, forcing or requiring a child to  
2 look upon sexual acts performed in the presence of the  
3 child for the purpose of sexual gratification, or  
4 i. causing, forcing or requiring a child to touch or feel  
5 the body or private parts of the child or another  
6 person for the purpose of sexual gratification;

7 11. "Permit" means to authorize or allow for the care of a  
8 child by an individual when the person authorizing or allowing such  
9 care knows or reasonably should know that the child will be placed  
10 at risk of the conduct or harm proscribed by this section;

11 12. "Person responsible for a child's health, safety or  
12 welfare" for purposes of this section shall include, but not be  
13 limited to:

- 14 a. the parent of the child,  
15 b. the legal guardian of the child,  
16 c. the custodian of the child,  
17 d. the foster parent of the child,  
18 e. a person eighteen (18) years of age or older with whom  
19 the parent of the child cohabitates, who is at least  
20 three (3) years older than the child,  
21 f. any other person eighteen (18) years of age or older  
22 residing in the home of the child, who is at least  
23 three (3) years older than the child,  
24

1 g. an owner, operator, agent, employee or volunteer of a  
2 public or private residential home, institution,  
3 facility or day treatment program, as defined in  
4 Section 175.20 of Title 10 of the Oklahoma Statutes,  
5 that the child attended,

6 h. an owner, operator, agent, employee or volunteer of a  
7 child care facility, as defined in Section 402 of  
8 Title 10 of the Oklahoma Statutes, that the child  
9 attended,

10 i. an intimate partner of the parent of the child, as  
11 defined in Section 60.1 of Title 22 of the Oklahoma  
12 Statutes, or

13 j. a person who has voluntarily accepted responsibility  
14 for the care or supervision of a child;

15 13. "Sexual intercourse" means the actual penetration, however  
16 slight, of the vagina or anus by the penis; and

17 14. "Sodomy" means:

18 a. penetration, however slight, of the mouth of the child  
19 by a penis,

20 b. penetration, however slight, of the vagina of a person  
21 responsible for a child's health, safety or welfare,  
22 by the mouth of a child,

1 c. penetration, however slight, of the mouth of the  
2 person responsible for a child's health, safety or  
3 welfare by the penis of the child, or

4 d. penetration, however slight, of the vagina of the  
5 child by the mouth of the person responsible for a  
6 child's health, safety or welfare.

7 SECTION 2. This act shall become effective November 1, 2025.

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9 60-1-1967 TEK 3/25/2025 4:33:39 PM

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