

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 594

By: Rader

AS INTRODUCED

An Act relating to crimes and punishments; amending 12 O.S. 2021, Section 2803.1, as last amended by Section 1, Chapter 104, O.S.L. 2024 (12 O.S. Supp. 2024, Section 2803.1), which relates to Oklahoma Evidence Code; updating statutory language; amending Sections 5 and 6, Chapter 366, O.S.L. 2024 (21 O.S. Supp. 2024, Sections 20E and 20F), which relate to Class A3 and Class B1 criminal offenses; updating statutory language; amending 21 O.S. 2021, Section 843.5, as amended by Section 2, Chapter 151, O.S.L. 2024 (21 O.S. Supp. 2024, Section 843.5), which relates to child abuse; modifying penalty provisions for certain offenses; modifying scope of certain offenses; providing certain affirmative defense; providing for certain retroactivity; modifying definitions; construing provisions; removing term; defining terms; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 2021, Section 2803.1, as last amended by Section 1, Chapter 104, O.S.L. 2024 (12 O.S. Supp. 2024, Section 2803.1), is amended to read as follows:

Section 2803.1. A. The following statements are admissible in juvenile deprived proceedings and pre-trial and post-trial criminal and juvenile delinquent proceedings including preliminary hearings,

1 prosecutive merit hearings, and hearings on the revocation of
2 probation or acceleration of a deferred judgment:

3 1. A statement made by a child who has not attained sixteen
4 (16) years of age at the time the statement is made, a child sixteen
5 (16) years of age or older who has a disability, or a person who is
6 an incapacitated person as defined by Section 10-103 of Title 43A of
7 the Oklahoma Statutes, which describes any act of physical abuse,
8 domestic abuse, neglect, ~~enabling~~ failure to protect from physical
9 abuse or neglect against the child or incapacitated person or any
10 act of sexual contact, any conduct proscribed by Sections 741, 745,
11 748, 843.1, 843.2, 843.3, 843.4, 843.5, or 1111, 1111.1, 1112, 1113,
12 1114, 1115, 1116, 1117, 1118, 1119, 1123, or 1125 of Title 21 of the
13 Oklahoma Statutes, performed with or on the child or incapacitated
14 person by another, or any act or omission resulting in great bodily
15 injury to the child or incapacitated person; and

16 2. A statement made by a child who has not attained sixteen
17 (16) years of age at the time the statement is made, a child sixteen
18 (16) years of age or older who has a disability, or a person who is
19 an incapacitated person as defined by Section 10-103 of Title 43A of
20 the Oklahoma Statutes, which describes any act of physical abuse,
21 neglect, or ~~enabling~~ failure to protect from physical abuse or
22 neglect against another child or incapacitated person, any act of
23 sexual contact with another child or incapacitated person, any
24 conduct proscribed by Sections 741, 745, 748, 843.1, 843.2, 843.3,

1 843.4, 843.5, or 1111, 1111.1, 1112, 1113, 1114, 1115, 1116, 1117,
2 1118, 1119, 1123, or 1125 of Title 21 of the Oklahoma Statutes, any
3 act of domestic abuse, or any act or omission resulting in death or
4 great bodily injury to a human being, provided that the child or
5 incapacitated person witnessed the act or omission.

6 B. The following statements are admissible in criminal and
7 juvenile delinquent trials if the child or incapacitated person
8 testifies at the trial whether in person, via videoconferencing
9 equipment, or other alternative means; if the child or incapacitated
10 person does not testify at the trial and is unavailable as defined
11 by subsection A of Section 2804 of this title and the requirements
12 for admissibility pursuant to subsection B of Section 2804 of this
13 title are satisfied; or if the child or incapacitated person does
14 not testify at the trial and the court determines that the statement
15 is nontestimonial:

16 1. A statement made by a child who has not attained sixteen
17 (16) years of age at the time the statement is made, a child sixteen
18 (16) years of age or older who has a disability, or a person who is
19 an incapacitated person as defined by Section 10-103 of Title 43A of
20 the Oklahoma Statutes, which describes any act of physical abuse,
21 domestic abuse, neglect, ~~enabling~~ failure to protect from physical
22 abuse or neglect against the child or incapacitated person or any
23 act of sexual contact, any conduct proscribed by Sections 741, 745,
24 748, 843.1, 843.2, 843.3, 843.4, 843.5, or 1111, 1111.1, 1112, 1113,

1 1114, 1115, 1116, 1117, 1118, 1119, 1123, or 1125 of Title 21 of the
2 Oklahoma Statutes, performed with or on the child or incapacitated
3 person by another, or any act or omission resulting in great bodily
4 injury to the child or incapacitated person; and

5 2. A statement made by a child who has not attained sixteen
6 (16) years of age at the time the statement is made, a child sixteen
7 (16) years of age or older who has a disability, or a person who is
8 an incapacitated person as defined by Section 10-103 of Title 43A of
9 the Oklahoma Statutes, which describes any act of physical abuse,
10 neglect, or ~~enabling~~ failure to protect from physical abuse or
11 neglect against another child or incapacitated person, any act of
12 sexual conduct with another child or incapacitated person, any
13 conduct proscribed by Sections 741, 745, 748, 843.1, 843.2, 843.3,
14 843.4, 843.5, or 1111, 1111.1, 1112, 1113, 1114, 1115, 1116, 1117,
15 1118, 1119, 1123, or 1125 of Title 21 of the Oklahoma Statutes, any
16 act of domestic abuse, or any act or omission resulting in death or
17 great bodily injury to a human being, provided that the child or
18 incapacitated person witnessed the act or omission.

19 C. The provisions of the Oklahoma Criminal Discovery Code,
20 Section 2002 of Title 22 of the Oklahoma Statutes, shall govern the
21 disclosure and notice requirements of statements offered pursuant to
22 this section.

23 D. As used in this section, "disability" means a physical or
24 mental impairment which substantially limits one or more of the

1 major life activities of the child or the child is regarded as
2 having such an impairment by a competent medical professional.

3 SECTION 2. AMENDATORY Section 5, Chapter 366, O.S.L.
4 2024 (21 O.S. Supp. 2024, Section 20E), is amended to read as
5 follows:

6 Section 20E. A. Upon the effective date of this act, Class A3
7 shall include the following criminal offenses:

8 1. Domestic assault and battery with a deadly weapon, as
9 provided for in paragraph 2 of subsection D of Section 644 of Title
10 21 of the Oklahoma Statutes;

11 2. Second or subsequent conviction of domestic abuse against a
12 pregnant woman with knowledge of the pregnancy, as provided for in
13 subsection E of Section 644 of Title 21 of the Oklahoma Statutes;

14 3. Aggravated assault and battery upon a police officer,
15 sheriff, deputy sheriff or highway patrolman, corrections personnel,
16 or any state peace officer, as provided for in subsection A of
17 Section 650 of Title 21 of the Oklahoma Statutes;

18 4. Shooting with the intent to kill, as provided for in
19 subsection A of Section 652 of Title 21 of the Oklahoma Statutes;

20 5. Using a vehicle to facilitate the intentional discharge of a
21 firearm, crossbow, or other weapon, as provided for in subsection B
22 of Section 652 of Title 21 of the Oklahoma Statutes;

23 6. Assault and battery with a deadly weapon, as provided for in
24 subsection C of Section 652 of Title 21 of the Oklahoma Statutes;

1 7. Maiming, as provided for in Section 752 of Title 21 of the
2 Oklahoma Statutes;

3 8. Sexual abuse by a caretaker, as provided for in paragraph 2
4 of subsection B of Section 843.1 of Title 21 of the Oklahoma
5 Statutes;

6 9. Child abuse, as provided for in subsection A of Section
7 843.5 of Title 21 of the Oklahoma Statutes;

8 10. ~~Enabling~~ Failure to protect from child abuse, as provided
9 for in subsection B of Section 843.5 of Title 21 of the Oklahoma
10 Statutes;

11 11. Child sexual abuse, as provided for in subsection E of
12 Section 843.5 of Title 21 of the Oklahoma Statutes;

13 12. ~~Enabling~~ Failure to protect from child sexual abuse, as
14 provided for in subsection G of Section 843.5 of Title 21 of the
15 Oklahoma Statutes;

16 13. Child sexual exploitation, as provided for in subsection H
17 of Section 843.5 of Title 21 of the Oklahoma Statutes;

18 14. ~~Enabling~~ Failure to protect from child sexual exploitation,
19 as provided for in subsection J of Section 843.5 of Title 21 of the
20 Oklahoma Statutes;

21 15. Lewd or indecent proposals or acts to a child, as provided
22 for in subsection A of Section 1123 of Title 21 of the Oklahoma
23 Statutes;

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1 16. Terrorism, as provided for in subsection B of Section
2 1268.2 of Title 21 of the Oklahoma Statutes;

3 17. Conspiracy to commit terrorism, as provided for in
4 subsection A of Section 1268.3 of Title 21 of the Oklahoma Statutes;

5 18. Any person above the age of eighteen (18) who, on campuses
6 or public school grounds, advocates revolution, sabotage, force and
7 violation, sedition, treason, or the overthrow of the United States
8 government, as provided for in subsection B of Section 1327 of Title
9 21 of the Oklahoma Statutes;

10 19. Arson in the first degree, as provided for in subsection A
11 of Section 1401 of Title 21 of the Oklahoma Statutes;

12 20. Arson while manufacturing, attempting to manufacture, or
13 endeavoring to manufacture a controlled dangerous substance, as
14 provided for in subsection B of Section 1401 of Title 21 of the
15 Oklahoma Statutes; and

16 21. Causing personal injury while committing an act of arson,
17 as provided for in Section 1405 of Title 21 of the Oklahoma
18 Statutes.

19 B. Any person convicted of a Class A3 criminal offense set
20 forth in this section shall be punished in accordance with the
21 corresponding penalties provided for in the Oklahoma Statutes.

22 SECTION 3. AMENDATORY Section 6, Chapter 366, O.S.L.
23 2024 (21 O.S. Supp. 2024, Section 20F), is amended to read as
24 follows:

1 Section 20F. A. Upon the effective date of this act, Class B1
2 shall include the following criminal offenses:

3 1. Accessory to murder in the second degree, as provided for in
4 paragraph 5 of Section 175 of Title 21 of the Oklahoma Statutes;

5 2. Rescuing or attempting to rescue a prisoner charged or
6 convicted of a felony, as provided for in paragraph 1 of Section 521
7 of Title 21 of the Oklahoma Statutes;

8 3. Aiding suicide, as provided for in Section 813 of Title 21
9 of the Oklahoma Statutes;

10 4. Aiding suicide by furnishing the person with deadly weapons
11 or poisonous drugs, as provided for in Section 814 of Title 21 of
12 the Oklahoma Statutes;

13 5. Mingling poison, controlled dangerous substances, or sharp
14 objects harmful to human life with any food, drink, medicine, or
15 water, as provided for in Section 832 of Title 21 of the Oklahoma
16 Statutes;

17 6. Abuse, financial neglect, neglect, or exploitation by a
18 caretaker, as provided for in paragraph 1 of subsection B of Section
19 843.1 of Title 21 of the Oklahoma Statutes;

20 7. Exploitation of an elderly person or disabled adult, as
21 provided for in Section 843.4 of Title 21 of the Oklahoma Statutes;

22 8. Engaging in child neglect, as provided for in subsection C
23 of Section 843.5 of Title 21 of the Oklahoma Statutes;

1 9. ~~Enabling~~ Failure to protect from child neglect, as provided
2 for in subsection D of Section 843.5 of Title 21 of the Oklahoma
3 Statutes;

4 10. Forcible sodomy, as provided for in subsection A of Section
5 888 of Title 21 of the Oklahoma Statutes;

6 11. Sodomy by a person over eighteen (18) years of age upon a
7 person under sixteen (16) years of age, as provided for in paragraph
8 1 of subsection B of Section 888 of Title 21 of the Oklahoma
9 Statutes;

10 12. Sodomy upon a person incapable through mental illness or
11 unsoundness of mind to give legal consent, as provided for in
12 paragraph 2 of subsection B of Section 888 of Title 21 of the
13 Oklahoma Statutes;

14 13. Sodomy with any person by means of force, violence, or
15 threats of force or violence, as provided for in paragraph 3 of
16 subsection B of Section 888 of Title 21 of the Oklahoma Statutes;

17 14. Sodomy upon a person under the legal custody, supervision,
18 or authority of a state agency, county, municipality, or political
19 subdivision of the state, as provided for in paragraph 4 of
20 subsection B of Section 888 of Title 21 of the Oklahoma Statutes;

21 15. Sodomy upon a person at least sixteen (16) years of age but
22 less than twenty (20) years of age and who is a student of any
23 public or private secondary school, junior high, high school, or
24 public vocational school with a person eighteen (18) years of age or
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1 older and who is employed by the same school system, as provided for
2 in paragraph 5 of subsection B of Section 888 of Title 21 of the
3 Oklahoma Statutes;

4 16. Sodomy upon a person who is unconscious, as provided for in
5 paragraph 7 of subsection B of Section 888 of Title 21 of the
6 Oklahoma Statutes;

7 17. Sodomy upon a person who is intoxicated by a narcotic or
8 anesthetic agent administered by or with the privity of the accused,
9 as provided for in paragraph 8 of subsection B of Section 888 of
10 Title 21 of the Oklahoma Statutes;

11 18. Procuring or causing the participation of a minor in child
12 pornography or possessing, procuring, manufacturing, selling, or
13 distributing child pornography, as provided for in Section 1021.2 of
14 Title 21 of the Oklahoma Statutes;

15 19. Permitting or consenting to the participation of a minor in
16 child pornography by a parent, guardian, or individual having
17 custody, as provided for in Section 1021.3 of Title 21 of the
18 Oklahoma Statutes;

19 20. Buying, procuring, or possessing child pornography, as
20 provided for in Section 1024.2 of Title 21 of the Oklahoma Statutes;

21 21. Child prostitution, as provided for in subsection B of
22 Section 1029 of Title 21 of the Oklahoma Statutes;

1 22. Receiving or offering to agree to receive a child for
2 purposes of prostitution, as provided for in paragraph 2 of
3 subsection A of Section 1087 of Title 21 of the Oklahoma Statutes;

4 23. Transporting or aiding in the transport of a child for
5 prostitution, as provided for in paragraph 3 of subsection A of
6 Section 1087 of Title 21 of the Oklahoma Statutes;

7 24. Permitting the prostitution of a child in any house,
8 building, room, other premises, or any conveyances under the control
9 of a person, as provided for in paragraph 2 of subsection B of
10 Section 1087 of Title 21 of the Oklahoma Statutes;

11 25. Causing, inducing, persuading, or encouraging a child by
12 promise, threats, violence, or any device or scheme to engage in
13 prostitution, as provided for in paragraph 1 of subsection A of
14 Section 1088 of Title 21 of the Oklahoma Statutes;

15 26. Keeping, holding, detaining, restraining, or compelling a
16 child to engage in prostitution, as provided for in paragraph 2 of
17 subsection A of Section 1088 of Title 21 of the Oklahoma Statutes;

18 27. Keeping, holding, detaining, restraining, or compelling a
19 child to engage in prostitution for purposes of compelling the child
20 to pay, liquidate, or cancel any debts, dues, or obligations
21 incurred by the child, as provided for in paragraph 3 of subsection
22 A of Section 1088 of Title 21 of the Oklahoma Statutes;

23 28. Permitting the keeping, holding, detaining, or restraining
24 of a child for prostitution in any house, building, room, other

1 premises, or any conveyances under the control of a person, as
2 provided for in paragraph 2 of subsection B of Section 1088 of Title
3 21 of the Oklahoma Statutes;

4 29. Advocating the revolution, sabotage, force and violation,
5 sedition, treason, or overthrow of the government of the United
6 States, as provided for in Section 1266 of Title 21 of the Oklahoma
7 Statutes;

8 30. Commit, attempt to commit, or aid in the commission of any
9 act intended to overthrow, destroy, or alter the government of the
10 United States, as provided for in Section 1266.4 of Title 21 of the
11 Oklahoma Statutes;

12 31. Biochemical terrorism, as provided for in subsection D of
13 Section 1268.2 of Title 21 of the Oklahoma Statutes;

14 32. Biochemical assault when the person knows the substance is
15 toxic, noxious, or lethal to humans, as provided for in subsection C
16 of Section 1268.5 of Title 21 of the Oklahoma Statutes;

17 33. Second or subsequent conviction of using a firearm while
18 committing a felony, as provided for in subsection A of Section 1287
19 of Title 21 of the Oklahoma Statutes;

20 34. Discharging a firearm or other deadly weapon at or into a
21 dwelling or building used for public or business purposes, as
22 provided for in Section 1289.17A of Title 21 of the Oklahoma
23 Statutes;

1 35. Directing, advising, encouraging, or soliciting other
2 persons to commit acts of force or violence while participating in a
3 riot, as provided for in paragraph 4 of Section 1312 of Title 21 of
4 the Oklahoma Statutes;

5 36. Burglary in the first degree, as provided for in Section
6 1431 of Title 21 of the Oklahoma Statutes;

7 37. Seizing or exercising control of any bus by force or
8 violence or by threats of force or violence, as provided for in
9 subsection A of Section 1903 of Title 21 of the Oklahoma Statutes;

10 38. Using a dangerous or deadly weapon while seizing or
11 exercising control of a bus or when intimidating, threatening,
12 assaulting, or battering a bus driver, as provided for in subsection
13 C of Section 1903 of Title 21 of the Oklahoma Statutes;

14 39. Receiving, acquiring, and concealing proceeds derived from
15 unlawful activities in an amount of more than Fifty Thousand Dollars
16 (\$50,000.00), as provided for in paragraph 4 of subsection G of
17 Section 2001 of Title 21 of the Oklahoma Statutes;

18 40. Participating in racketeering activities, as provided for
19 in subsection A of Section 1403 of Title 22 of the Oklahoma
20 Statutes;

21 41. Acquiring or maintaining any interest in or control of any
22 enterprise or real property through racketeering activities, as
23 provided for in subsection B of Section 1403 of Title 22 of the
24 Oklahoma Statutes;

1 42. Using or investing any part of proceeds derived from
2 racketeering activities, as provided for in subsection C of Section
3 1403 of Title 22 of the Oklahoma Statutes;

4 43. Conspiring with others to commit unlawful racketeering
5 activities, as provided for in subsection D of Section 1403 of Title
6 22 of the Oklahoma Statutes;

7 44. Causing an accident resulting in great bodily injury while
8 driving under the influence of alcohol or other intoxicating
9 substance, as provided for in paragraph 1 of subsection B of Section
10 11-904 of Title 47 of the Oklahoma Statutes; and

11 45. Trafficking in fentanyl or carfentanyl, or any fentanyl
12 analogs or derivatives, as provided for in subparagraph a of
13 paragraph 12 of subsection C of Section 2-415 of Title 63 of the
14 Oklahoma Statutes.

15 B. Any person convicted of a Class B1 criminal offense set
16 forth in this section shall be punished in accordance with the
17 corresponding penalties provided for in the Oklahoma Statutes.

18 SECTION 4. AMENDATORY 21 O.S. 2021, Section 843.5, as
19 amended by Section 2, Chapter 151, O.S.L. 2024 (21 O.S. Supp. 2024,
20 Section 843.5), is amended to read as follows:

21 Section 843.5. A. 1. Any person who shall willfully or
22 maliciously engage in child abuse, as defined in this section,
23 shall, upon conviction, be guilty of a felony punishable by
24 imprisonment in the custody of the Department of Corrections for a

1 term not exceeding to exceed life imprisonment, or by imprisonment
2 in a county jail for a term not exceeding to exceed one (1) year, or
3 by a fine ~~of not less than Five Hundred Dollars (\$500.00) nor more~~
4 ~~than~~ not more than Five Thousand Dollars (\$5,000.00), or by both
5 such ~~fine and~~ imprisonment and fine if the child abuse results in
6 great bodily injury or serious mental or emotional injury.

7 2. In all other cases, the punishment shall be imprisonment in
8 the custody of the Department of Corrections for a term not to
9 exceed seven (7) years or by imprisonment in a county jail for a
10 term not to exceed one (1) year, by a fine not more than Five
11 Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

12 B. 1. Any person responsible for the health, safety, or
13 welfare of a child who shall willfully or maliciously engage in
14 ~~enabling~~ failure to protect from child abuse, as defined in this
15 section, shall, upon conviction, be punished by imprisonment in the
16 custody of the Department of Corrections for a term not exceeding
17 ~~life imprisonment~~ to exceed ten (10) years, or by imprisonment in a
18 county jail for a term not exceeding to exceed one (1) year, or by a
19 fine ~~of not less than Five Hundred Dollars (\$500.00) nor more than~~
20 Five Thousand Dollars (\$5,000.00), or by both such fine and
21 imprisonment and fine if the child abuse results in great bodily
22 injury or serious mental or emotional injury.

23 2. In all other cases, the punishment shall be imprisonment in
24 the custody of the Department of Corrections for a term not to

1 exceed four (4) years or by imprisonment in a county jail for a term
2 not to exceed one (1) year, by a fine not more than Five Thousand
3 Dollars (\$5,000.00), or by both such imprisonment and fine.

4 C. 1. Any person responsible for the health, safety, or
5 welfare of a child who shall willfully or maliciously engage in
6 child neglect, as defined in this section, shall, upon conviction,
7 be punished by imprisonment in the custody of the Department of
8 Corrections for a term not exceeding to exceed life imprisonment, or
9 by imprisonment in a county jail for a term not exceeding to exceed
10 one (1) year, ~~or~~ by a fine ~~of~~ ~~not less than Five Hundred Dollars~~
11 ~~(\$500.00) nor~~ more than Five Thousand Dollars (\$5,000.00), or by
12 both such ~~fine and~~ imprisonment and fine if the neglect results in
13 great bodily injury or serious mental or emotional injury.

14 2. In all other cases, the punishment shall be imprisonment in
15 the custody of the Department of Corrections for a term not to
16 exceed seven (7) years or by imprisonment in a county jail for a
17 term not to exceed one (1) year, by a fine not more than Five
18 Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

19 D. 1. Any parent or other person who shall willfully or
20 maliciously engage in ~~enabling~~ failure to protect from child neglect
21 shall, upon conviction, be punished by imprisonment in the custody
22 of the Department of Corrections for a term not exceeding life
23 ~~imprisonment,~~ to exceed ten (10) years or by imprisonment in a
24 county jail for a term not exceeding to exceed one (1) year, ~~or~~ by a

1 fine ~~of not less than Five Hundred Dollars (\$500.00) nor more than~~
2 Five Thousand Dollars (\$5,000.00), or by both such fine and
3 imprisonment and fine if the failure to protect from child neglect
4 results in great bodily injury or serious mental or emotional
5 injury.

6 2. In all other cases, the punishment shall be imprisonment in
7 the custody of the Department of Corrections for a term not to
8 exceed four (4) years, by a fine not more than Five Thousand Dollars
9 (\$5,000.00), or by both such imprisonment and fine.

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

1 paragraph 1 of subsection A of Section 991a of Title 22 of the
2 Oklahoma Statutes under conditions determined by the Department of
3 Corrections. The jury shall be advised that the mandatory post-
4 imprisonment supervision shall be in addition to the actual
5 imprisonment.

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

14 G. Any parent or other person who shall willfully or
15 maliciously engage in ~~enabling~~ failure to protect from child sexual
16 abuse shall, upon conviction, be punished by imprisonment in the
17 custody of the Department of Corrections for a term not ~~exceeding to~~
18 exceed life imprisonment, or by imprisonment in a county jail for a
19 term not ~~exceeding to exceed~~ exceed one (1) year, ~~or~~ by a fine ~~of~~ not less
20 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
21 Dollars (\$5,000.00), or by both such ~~fine and imprisonment~~ and fine.

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

16 I. Any person who shall willfully or maliciously engage in
17 child sexual exploitation, as defined in this section, of a child
18 under twelve (12) years of age shall, upon conviction, be punished
19 by imprisonment in the custody of the Department of Corrections for
20 a term not less than twenty-five (25) years nor more than life
21 imprisonment, and by a fine ~~of~~ not less than Five Hundred Dollars
22 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00).

23 J. Any person responsible for the health, safety, or welfare of
24 a child who shall willfully or maliciously engage in ~~enabling~~

1 failure to protect from child sexual exploitation, as defined in
2 this section, shall, upon conviction, be punished by imprisonment in
3 the custody of the Department of Corrections for a term not
4 ~~exceeding~~ to exceed life imprisonment, or by imprisonment in a
5 county jail for a term not exceeding to exceed one (1) year, ~~or~~ by a
6 fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor more than
7 Five Thousand Dollars (\$5,000.00), or by both such ~~fine and~~
8 imprisonment and fine.

9 K. Notwithstanding any other provision of law, any person
10 convicted of forcible anal or oral sodomy, rape, rape by
11 instrumentation, or lewd molestation of a child under fourteen (14)
12 years of age subsequent to a previous conviction for any offense of
13 forcible anal or oral sodomy, rape, rape by instrumentation, or lewd
14 molestation of a child under fourteen (14) years of age shall be
15 punished by ~~death or by~~ imprisonment for life or life without
16 parole.

17 L. ~~Provided, however, that nothing~~ Nothing contained in this
18 section shall prohibit any parent or guardian from using reasonable
19 and ordinary force pursuant to Section 844 of this title.

20 M. Consent shall not be a defense for any violation provided
21 for in this section.

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

1 O. It is an affirmative defense to subsections B and D of this
2 section if the accused:

3 1. Had a reasonable apprehension that any action to stop the
4 abuse or neglect would result in great bodily injury or death to the
5 accused or the child;

6 2. Experienced domestic violence resulting in great bodily,
7 mental, or emotional injury which impaired the ability of the
8 accused to take action to stop the child abuse or neglect; or

9 3. Voluntarily took immediate steps to end the abuse or neglect
10 of the child, including prompt notification of a medical or law
11 enforcement authority.

12 P. The penalties provided in subsections A, B, C, and D of this
13 section shall be retroactive. Other provisions of law
14 notwithstanding, any person who committed an offense, the penalty
15 for which is provided in subsection A, B, C, or D of this section,
16 before January 1, 2026, may institute an application for
17 postconviction relief pursuant to paragraph 3 of Section 1080 of
18 Title 22 of the Oklahoma Statutes. Nothing in this subsection shall
19 be construed to create a civil cause of action related to a change
20 in the law governing an applicant's conviction.

21 Q. 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)
6 years of age by any person;

7 2. "Child neglect" means:

8 a. the willful or malicious neglect, as defined by
9 Section 1-1-105 of Title 10A of the Oklahoma Statutes,
10 of failure to provide any of the following to a child
11 under eighteen (18) years of age by a person
12 responsible for a child's health, safety, or welfare:

- 13 (1) adequate nurturance and affection, food,
14 clothing, shelter, sanitation, hygiene, or
15 appropriate education,
16 (2) medical, dental, or behavioral health care, or
17 (3) special care made necessary for the child's
18 health and safety by the physical or mental
19 condition of the child,

20 b. the failure to protect a child from sight, sound, or
21 scent exposure to any of the following:

- 22 (1) the use, possession, sale, or manufacture of
23 illegal drugs,
24 (2) any illegal activity, or

- b. penetration of the vagina or anus, however slight, by an inanimate object or any part of the human body not amounting to sexual intercourse,
- c. sodomy,
- d. incest, or
- e. a lewd act or proposal, as defined in this section;

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

- a. human trafficking, as provided for in Section 748 of this title, if the offense involved child trafficking for commercial sex,
- b. trafficking in children, as provided for in Section 866 of this title, if the offense was committed for the sexual gratification of any person,
- c. procuring or causing the participation of a minor in child ~~pornography~~ sexual abuse material, as provided for in Section 1021.2 of this title,
- d. purchase, procurement, or possession of child ~~pornography~~ sexual abuse material, as provided for in Section 1024.2 of this title,
- e. engaging in or soliciting prostitution, as provided for in Section 1029 of this title, if the offense involved child sex trafficking,

- 1 f. publication, distribution or participation in the
2 preparation of obscene material, as provided for in
3 Section 1040.8 of this title, if the offense involved
4 child ~~pornography~~ sexual abuse material,
- 5 g. aggravated possession of child ~~pornography~~ sexual
6 abuse material, as provided for in Section 1040.12a of
7 this title,
- 8 h. sale or distribution of obscene material, as provided
9 for in Section 1040.13 of this title,
- 10 i. soliciting sexual conduct or communication with a
11 minor by use of technology, as provided for in Section
12 1040.13a of this title,
- 13 j. offering or transporting a child for purposes of child
14 sex trafficking, as provided for in Section 1087 of
15 this title, and
- 16 k. child sex trafficking, as provided for in Section 1088
17 of this title;

18 5. ~~Enabling~~ "Failure to protect from child abuse" means the
19 ~~causing, procuring or permitting of~~ willful or malicious failure to
20 take reasonable action to remedy child abuse by a person responsible
21 for a child's health, safety, or welfare;

22 6. ~~Enabling~~ "Failure to protect from child neglect" means ~~the~~
23 ~~causing, procuring or permitting of~~ child neglect by a person
24 ~~responsible for a child's~~ to authorize or allow for the care of a

1 child by an individual when the person authorizing or allowing such
2 care knows or reasonably should know that the child will be placed
3 at risk of harm or threatened harm to the health, safety, or welfare
4 of the child, or to willfully or maliciously leave a child
5 unattended for an unreasonable amount of time considering the
6 maturity of the child;

7 7. ~~“Enabling~~ “Failure to protect from child sexual abuse” means
8 the ~~causing, procuring or permitting of~~ failure to remedy or prevent
9 child sexual abuse by a person responsible for a child’s health,
10 safety, or welfare;

11 8. ~~“Enabling~~ “Failure to protect from child sexual
12 exploitation” means the ~~causing, procuring or permitting of~~ willful
13 or malicious failure to remedy or prevent child sexual exploitation
14 by a person responsible for a child’s health, safety, or welfare;

15 9. “Great bodily injury” means bone fracture, protracted and
16 obvious disfigurement, protracted loss or impairment of the function
17 of a body part, organ, or mental faculty, or substantial risk of
18 death;

19 10. “Harm or threatened harm to the health or safety of a
20 child” means any real or threatened bodily, mental, or emotional
21 injury or damage to the body or mind that is not accidental,
22 including abuse, neglect, sexual abuse, or sexual exploitation;

23 11. “Independent activities” means activities performed by a
24 child that shall include, but not be limited to:

- 1 a. traveling to and from school or nearby commercial or
2 recreational facilities,
3 b. engaging in outdoor play,
4 c. remaining at home unattended for a reasonable amount
5 of time,
6 d. remaining in a vehicle if the temperature inside the
7 vehicle is not or will not become dangerously hot or
8 cold, except under the conditions provided for in
9 Section 11-1119 of Title 47 of the Oklahoma Statutes,
10 or
11 e. engaging in similar activities alone or with other
12 children;

13 12. "Incest" means marrying, committing adultery, or
14 fornicating with a child by a person responsible for the health,
15 safety, or welfare of a child;

16 ~~10.~~ 13. "Lewd act or proposal" means:

- 17 a. making any oral, written, ~~or~~ electronic, or computer-
18 generated lewd or indecent proposal to a child for the
19 child to have unlawful sexual relations or sexual
20 intercourse with any person,
21 b. looking upon, touching, mauling, or feeling the body
22 or private parts of a child in a lewd or lascivious
23 manner or for the purpose of sexual gratification,
24

- 1 c. asking, inviting, enticing, or persuading any child to
2 go alone with any person to a secluded, remote, or
3 secret place for a lewd or lascivious purpose,
4 d. urinating or defecating upon a child or causing,
5 forcing, or requiring a child to defecate or urinate
6 upon the body or private parts of another person for
7 the purpose of sexual gratification,
8 e. ejaculating upon or in the presence of a child,
9 f. causing, exposing, forcing, or requiring a child to
10 look upon the body or private parts of another person
11 for the purpose of sexual gratification,
12 g. causing, forcing, or requiring any child to view any
13 obscene materials, child pornography or materials
14 deemed harmful to minors as such terms are defined in
15 Sections 1024.1 and 1040.75 of this title,
16 h. causing, exposing, forcing, or requiring a child to
17 look upon sexual acts performed in the presence of the
18 child for the purpose of sexual gratification, or
19 i. causing, forcing, or requiring a child to touch or
20 feel the body or private parts of the child or another
21 person for the purpose of sexual gratification;

22 ~~11. "Permit" means to authorize or allow for the care of a~~
23 ~~child by an individual when the person authorizing or allowing such~~
24

1 ~~care knows or reasonably should know that the child will be placed~~
2 ~~at risk of the conduct or harm proscribed by this section;~~

3 ~~12.~~ 14. "Person responsible for a child's health, safety, or
4 welfare" for purposes of this section shall include, but not be
5 limited to:

- 6 a. the parent of the child,
- 7 b. the legal guardian of the child,
- 8 c. the custodian of the child,
- 9 d. the foster parent of the child,
- 10 e. a competent person eighteen (18) years of age or older
11 with whom the parent of the child cohabitates, who is
12 at least three (3) years older than the child,
- 13 ~~f. any other person eighteen (18) years of age or older~~
14 ~~residing in the home of the child, who is at least~~
15 ~~three (3) years older than the child,~~
- 16 ~~g.~~ an owner, operator, agent, employee, or volunteer of a
17 public or private residential home, institution,
18 facility, or day treatment program, as defined in
19 Section 175.20 of Title 10 of the Oklahoma Statutes,
20 that the child attended,
- 21 ~~h.~~ g. an owner, operator, agent, employee, or volunteer of
22 a child care facility, as defined in Section 402 of
23 Title 10 of the Oklahoma Statutes, that the child
24 attended,

1 ~~i.~~ h. an intimate partner of the parent of the child, as
2 defined in Section 60.1 of Title 22 of the Oklahoma
3 Statutes, or

4 ~~j.~~ i. a person who has voluntarily accepted responsibility
5 for the care or supervision of a child;

6 15. "Serious mental or emotional injury" means a psychological
7 condition, which shall be established and may be rebutted, by a
8 physician or licensed psychologist, including refusal of treatment,
9 that does one or more of the following:

10 a. renders a child chronically and severely anxious,
11 agitated, depressed, socially withdrawn, psychotic, or
12 in reasonable fear that the child's safety is
13 threatened, or

14 b. seriously interferes with a child's ability to
15 accomplish age-appropriate developmental and social
16 tasks;

17 ~~13.~~ 16. "Sexual intercourse" means the actual penetration,
18 however slight, of the vagina or anus by the penis; and

19 ~~14.~~ 17. "Sodomy" means:

20 a. penetration, however slight, of the mouth of the child
21 by a penis,

22 b. penetration, however slight, of the vagina of a person
23 responsible for a child's health, safety, or welfare,
24 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 5. This act shall become effective January 1, 2026.

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