

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 599

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

13 and

14 Turner of the House

15 COMMITTEE SUBSTITUTE

16 An Act relating to crimes and punishments; amending
17 21 O.S. 2021, Section 843.5, as last amended by
18 Section 2, Chapter 151, O.S.L. 2024 (21 O.S. Supp.
19 2024, Section 843.5), which relates to child abuse;
20 modifying scope of certain unlawful act; amending 21
21 O.S. 2021, Section 1123, as last amended by Section
22 33, Chapter 59, O.S.L. 2024 (21 O.S. Supp. 2024,
23 Section 1123), which relates to lewd or indecent acts
24 to a child; modifying scope of punishment for certain
crimes; and providing an effective date.

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

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

4 Section 843.5. A. Any person who shall willfully or
5 maliciously engage in child abuse, as defined in this section,
6 shall, upon conviction, be guilty of a felony punishable by
7 imprisonment in the custody of the Department of Corrections not
8 exceeding life imprisonment, or by imprisonment in a county jail not
9 exceeding one (1) year, or by a fine of not less than Five Hundred
10 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00),
11 or both such fine and imprisonment.

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

20 C. Any person responsible for the health, safety or welfare of
21 a child who shall willfully or maliciously engage in child neglect,
22 as defined in this section, shall, upon conviction, be punished by
23 imprisonment in the custody of the Department of Corrections not
24 exceeding life imprisonment, or by imprisonment in a county jail not

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

4 D. Any parent or other person who shall willfully or
5 maliciously engage in enabling child neglect shall, upon conviction,
6 be punished by imprisonment in the custody of the Department of
7 Corrections not exceeding life imprisonment, or by imprisonment in a
8 county jail not exceeding one (1) year, or by a fine of not less
9 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
10 Dollars (\$5,000.00), or both such fine and imprisonment.

11 E. Any person responsible for the health, safety or welfare of
12 a child who shall willfully or maliciously engage in child sexual
13 abuse, as defined in this section, shall, upon conviction, be
14 punished by imprisonment in the custody of the Department of
15 Corrections not exceeding life imprisonment, or by imprisonment in a
16 county jail not exceeding one (1) year, or by a fine of not less
17 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
18 Dollars (\$5,000.00), or both such fine and imprisonment, except as
19 provided in Section 51.1a of this title or as otherwise provided in
20 subsection F of this section for a child victim under twelve (12)
21 years of age. Except for persons sentenced to life or life without
22 parole, any person sentenced to imprisonment for two (2) years or
23 more for a violation of this subsection shall be required to serve a
24 term of 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 not less than
11 twenty-five (25) years nor more than life imprisonment, and by a
12 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 child sexual abuse shall, upon
16 conviction, be punished by imprisonment in the custody of the
17 Department of Corrections not exceeding life imprisonment, or by
18 imprisonment in a county jail not exceeding 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 both such fine and
21 imprisonment.

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

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

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

22 J. Any person responsible for the health, safety or welfare of
23 a child who shall willfully or maliciously engage in enabling child
24 sexual exploitation, as defined in this section, shall, upon

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

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

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

18 M. Consent shall not be a defense for any violation provided
19 for in this section.

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

23 O. As used in this section:

24 1. "Child abuse" means:

- 1 a. the willful or malicious harm or threatened harm or
2 failure to protect from harm or threatened harm to the
3 health, safety or welfare of a child under eighteen
4 (18) years of age by a person responsible for a
5 child's health, safety or welfare, or
6 b. the act of willfully or maliciously injuring,
7 torturing or maiming a child under eighteen (18) years
8 of age by any person;

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

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

- 17 a. sexual intercourse,
18 b. penetration of the vagina or anus, however slight, by
19 an inanimate object or any part of the human body not
20 amounting to sexual intercourse,
21 c. sodomy,
22 d. incest, or
23 e. a lewd act or proposal, as defined in this section;
24

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

4 a. human trafficking, as provided for in Section 748 of
5 this title, if the offense involved child trafficking
6 for commercial sex,

7 b. trafficking in children, as provided for in Section
8 866 of this title, if the offense was committed for
9 the sexual gratification of any person,

10 c. procuring or causing the participation of a minor in
11 child pornography, as provided for in Section 1021.2
12 of this title,

13 d. purchase, procurement or possession of child
14 pornography, as provided for in Section 1024.2 of this
15 title,

16 e. engaging in or soliciting prostitution, as provided
17 for in Section 1029 of this title, if the offense
18 involved child sex trafficking,

19 f. publication, distribution or participation in the
20 preparation of obscene material, as provided for in
21 Section 1040.8 of this title, if the offense involved
22 child pornography,

23 g. aggravated possession of child pornography, as
24 provided for in Section 1040.12a of this title,

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

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

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

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

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

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

4 10. "Lewd act or proposal" means:

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

1 deemed harmful to minors as such terms are defined in
2 Sections 1024.1 and 1040.75 of this title,

3 h. causing, exposing, forcing or requiring a child to
4 look upon sexual acts performed in the presence of the
5 child for the purpose of sexual gratification, or

6 i. causing, forcing or requiring a child to touch or feel
7 the body or private parts of the child or another
8 person for the purpose of sexual gratification;

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

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

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

1 f. any other person eighteen (18) years of age or older
2 residing in the home of the child, who is at least
3 three (3) years older than the child,

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

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

13 i. an intimate partner of the parent of the child, as
14 defined in Section 60.1 of Title 22 of the Oklahoma
15 Statutes, or

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

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

20 14. "Sodomy" means:

21 a. penetration, however slight, of the mouth of the child
22 by a penis,
23
24

- 1 b. penetration, however slight, of the vagina of a person
2 responsible for a child's health, safety or welfare,
3 by the mouth of a child,
4 c. penetration, however slight, of the mouth of the
5 person responsible for a child's health, safety or
6 welfare by the penis of the child, or
7 d. penetration, however slight, of the vagina of the
8 child by the mouth of the person responsible for a
9 child's health, safety or welfare.

10 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1123, as
11 last amended by Section 33, Chapter 59, O.S.L. 2024 (21 O.S. Supp.
12 2024, Section 1123), is amended to read as follows:

13 Section 1123. A. It is a felony for any person to knowingly
14 and intentionally:

15 1. Make any oral, written or electronically or computer-
16 generated lewd or indecent proposal to any child under sixteen (16)
17 years of age, or other individual the person believes to be a child
18 under sixteen (16) years of age, for the child to have unlawful
19 sexual relations or sexual intercourse with any person;

20 2. Look upon, touch, maul, or feel the body or private parts of
21 any child under sixteen (16) years of age in any lewd or lascivious
22 manner by any acts against public decency and morality, as defined
23 by law;

1 3. Ask, invite, entice, or persuade any child under sixteen
2 (16) years of age, or other individual the person believes to be a
3 child under sixteen (16) years of age, to go alone with any person
4 to a secluded, remote, or secret place, with the unlawful and
5 willful intent and purpose then and there to commit any crime
6 against public decency and morality, as defined by law, with the
7 child;

8 4. In any manner lewdly or lasciviously look upon, touch, maul,
9 or feel the body or private parts of any child under sixteen (16)
10 years of age in any indecent manner or in any manner relating to
11 sexual matters or sexual interest; or

12 5. In a lewd and lascivious manner and for the purpose of
13 sexual gratification:

14 a. urinate or defecate upon a child under sixteen (16)
15 years of age, or force or require a child to defecate
16 or urinate upon the body or private parts of another,
17 or for the purpose of sexual gratification,

18 b. ejaculate upon or in the presence of a child,

19 c. cause, expose, force or require a child to look upon
20 the body or private parts of another person,

21 d. force or require any child under sixteen (16) years of
22 age or other individual the person believes to be a
23 child under sixteen (16) years of age, to view any
24 obscene materials, child sexual abuse material or

1 materials deemed harmful to minors as such terms are
2 defined by Sections 1024.1 and 1040.75 of this title,
3 e. cause, expose, force or require a child to look upon
4 sexual acts performed in the presence of the child, or
5 f. force or require a child to touch or feel the body or
6 private parts of the child or another person.

7 Any person convicted of any violation of this subsection shall
8 be punished by imprisonment in the custody of the Department of
9 Corrections for not less than three (3) years nor more than twenty
10 (20) years, except when the child is under twelve (12) years of age
11 at the time the offense is committed, and in such case the person
12 shall, upon conviction, be punished by death or by imprisonment in
13 the custody of the Department of Corrections for a term of not less
14 than ~~twenty-five (25)~~ ten (10) years, life, or life without parole.
15 The provisions of this subsection shall not apply unless the accused
16 is at least three (3) years older than the victim, except when
17 accomplished by the use of force or fear. Except as provided in
18 Section 51.1a of this title, any person convicted of a second or
19 subsequent violation of this subsection shall be guilty of a felony
20 punishable as provided in this subsection and shall not be eligible
21 for probation, suspended or deferred sentence. Except as provided
22 in Section 51.1a of this title, any person convicted of a third or
23 subsequent violation of this subsection shall be guilty of a felony
24 punishable by imprisonment in the custody of the Department of

1 Corrections for a term of life or life without parole, in the
2 discretion of the jury, or in case the jury fails or refuses to fix
3 punishment then the same shall be pronounced by the court. Any
4 person convicted of a violation of this subsection after having been
5 twice convicted of a violation of subsection A of Section 1114 of
6 this title, Section 888 of this title, sexual abuse of a child
7 pursuant to Section 843.5 of this title, or of any attempt to commit
8 any of these offenses or any combination of convictions pursuant to
9 these sections shall be punished by imprisonment in the custody of
10 the Department of Corrections for a term of life or life without
11 parole.

12 B. No person shall commit sexual battery on any other person.
13 "Sexual battery" shall mean the intentional touching, mauling or
14 feeling of the body or private parts of any person sixteen (16)
15 years of age or older, in a lewd and lascivious manner:

16 1. Without the consent of that person;

17 2. When committed by a state, county, municipal or political
18 subdivision employee or a contractor or an employee of a contractor
19 of the state, a county, a municipality or political subdivision of
20 this state upon a person who is under the legal custody, supervision
21 or authority of a state agency, a county, a municipality or a
22 political subdivision of this state, or the subcontractor or
23 employee of a subcontractor of the contractor of the state or
24

1 federal government, a county, a municipality or a political
2 subdivision of this state;

3 3. When committed upon a person who is at least sixteen (16)
4 years of age and is less than twenty (20) years of age and is a
5 student, or in the legal custody or supervision of any public or
6 private elementary or secondary school, or technology center school,
7 by a person who is eighteen (18) years of age or older and is an
8 employee of a school system;

9 4. When committed upon a person who is nineteen (19) years of
10 age or younger and is in the legal custody of a state agency,
11 federal agency or a tribal court, by a foster parent or foster
12 parent applicant; or

13 5. When the victim is a student at a secondary school, is
14 concurrently enrolled at an institution of higher education, and
15 engages in acts pursuant to this subsection with a perpetrator who
16 is an employee of the institution of higher education of which the
17 student is enrolled.

18 As used in this subsection, "employee of an institution of
19 higher education" means faculty, adjunct faculty, instructors,
20 volunteers, or an employee of a business contracting with an
21 institution of higher education who may exercise, at any time,
22 institutional authority over the victim. Employee of an institution
23 of higher education shall not include an enrolled student who is not
24 more than three (3) years of age or older than the concurrently

1 enrolled student and who is employed or volunteering, in any
2 capacity, for the institution of higher education.

3 As used in this subsection, "employee of a school system" means
4 a teacher, principal or other duly appointed person employed by a
5 school system or an employee of a firm contracting with a school
6 system.

7 C. No person shall in any manner lewdly or lasciviously:

8 1. Look upon, touch, maul, or feel the body or private parts of
9 any human corpse in any indecent manner relating to sexual matters
10 or sexual interest; or

11 2. Urinate, defecate or ejaculate upon any human corpse.

12 D. Any person convicted of a violation of subsection B or C of
13 this section shall be deemed guilty of a felony and shall be
14 punished by imprisonment in the custody of the Department of
15 Corrections for not more than ten (10) years.

16 E. The fact that an undercover operative or law enforcement
17 officer was involved in the detection and investigation of an
18 offense pursuant to this section shall not constitute a defense to a
19 prosecution under this section.

20 F. Except for persons sentenced to life or life without parole,
21 any person sentenced to imprisonment for two (2) years or more for a
22 violation of this section shall be required to serve a term of post-
23 imprisonment supervision pursuant to subparagraph f of paragraph 1
24 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes

1 under conditions determined by the Department of Corrections. The
2 jury shall be advised that the mandatory post-imprisonment
3 supervision shall be in addition to the actual imprisonment.

4 SECTION 3. This act shall become effective November 1, 2025.

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