

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2798

By: Hasenbeck

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5
6 AS INTRODUCED

7 An Act relating to reporting requirements; amending
8 10A O.S. 2021, Section 1-2-101, which relates to the
9 duty to report abuse or neglect; providing statutory
10 reference; making certain acts unlawful; providing
11 penalties; defining term; amending 70 O.S. 2021,
12 Section 1210.163, as amended by Section 46, Chapter
13 59, O.S.L. 2024 (70 O.S. Supp. 2024, Section
14 1210.163), which relates to the duty to report child
15 abuse and neglect; making superintendents and school
16 administrators subject to criminal penalties under
17 certain circumstances; providing for codification;
18 and providing an effective date.

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

20 SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-2-101, is
21 amended to read as follows:

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

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

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

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

5 a. the number of calls screened out,

6 b. the number of referrals assigned,

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

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

12 5. The Department shall electronically record each referral
13 received by the hotline and establish a secure means of retaining
14 the recordings for twelve (12) months. The recordings shall be
15 confidential and subject to disclosure only if a court orders the
16 disclosure of the referral. The Department shall redact any
17 information identifying the reporting party unless otherwise ordered
18 by the court.

19 B. 1. Every person having reason to believe that a child under
20 the age of eighteen (18) years is a victim of abuse or neglect shall
21 report the matter immediately to the Department of Human Services.
22 Reports shall be made to the hotline provided for in subsection A of
23 this section. Any allegation of abuse or neglect reported in any
24 manner to a county office shall immediately be referred to the

1 hotline by the Department. Provided, however, that in actions for
2 custody by abandonment, provided for in Section 2-117 of Title 30 of
3 the Oklahoma Statutes, there shall be no reporting requirement.

4 2. a. Every school employee having reason to believe that a
5 student under the age of eighteen (18) years is a
6 victim of abuse or neglect shall report the matter
7 immediately to the Department of Human Services and
8 local law enforcement. Reports to the Department
9 shall be made to the hotline provided for in
10 subsection A of this section. Any allegation of abuse
11 or neglect reported in any manner to a county office
12 shall immediately be referred to the hotline by the
13 Department. Provided, however, that in actions for
14 custody by abandonment, provided for in Section 2-117
15 of Title 30 of the Oklahoma Statutes, there shall be
16 no reporting requirement.

17 b. Every school employee having reason to believe that a
18 student age eighteen (18) years or older is a victim
19 of abuse or neglect shall report the matter
20 immediately to local law enforcement.

21 c. In reports required by subparagraph a or b of this
22 paragraph, local law enforcement shall keep
23 confidential and redact any information identifying
24 the reporting school employee unless otherwise ordered

1 by the court. A school employee with knowledge of a
2 report required by subparagraph a or b of this
3 paragraph shall not disclose information identifying
4 the reporting school employee unless otherwise ordered
5 by the court or as part of an investigation by local
6 law enforcement or the Department.

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

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

18 5. The reporting obligations under this section are individual,
19 and no employer, supervisor, administrator, governing body or entity
20 shall interfere with the reporting obligations of any employee or
21 other person or in any manner discriminate or retaliate against the
22 employee or other person who in good faith reports suspected child
23 abuse or neglect, or who provides testimony in any proceeding
24 involving child abuse or neglect. Any employer, supervisor,

1 administrator, governing body or entity who discharges,
2 discriminates or retaliates against the employee or other person
3 shall be liable for damages, costs and attorney fees. If a child
4 who is the subject of the report or other child is harmed by the
5 discharge, discrimination or retaliation described in this
6 paragraph, the party harmed may file an action to recover damages,
7 costs and attorney fees.

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

19 C. Any Except as provided in Section 2 of this act, any person
20 who knowingly and willfully fails to promptly report suspected child
21 abuse or neglect or who interferes with the prompt reporting of
22 suspected child abuse or neglect may be reported to local law
23 enforcement for criminal investigation and, upon conviction thereof,
24 shall be guilty of a misdemeanor. Any Except as provided in Section

1 2 of this act, any person with prolonged knowledge of ongoing child
2 abuse or neglect who knowingly and willfully fails to promptly
3 report such knowledge may be reported to local law enforcement for
4 criminal investigation and, upon conviction thereof, shall be guilty
5 of a felony. For the purposes of this paragraph, "prolonged
6 knowledge" shall mean knowledge of at least six (6) months of child
7 abuse or neglect.

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

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

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

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 593 of Title 21, unless there is
3 created a duplication in numbering, reads as follows:

4 A. Any superintendent or school administrator of a school
5 district who knowingly and willfully fails to promptly report or who
6 interferes with the prompt reporting of child abuse and neglect, as
7 mandated in Section 1210.163 of Title 70 of the Oklahoma Statutes
8 shall, upon conviction, be guilty of a felony punishable by
9 imprisonment in the Department of Corrections for a term of not less
10 than two (2) years, or by a fine of not less than Twenty Thousand
11 Dollars (\$20,000.00), or by both such fine and imprisonment. In
12 addition, the court shall require the person to complete a term of
13 community service, without compensation, for a period of hours to be
14 determined by the court.

15 B. As used in this section, "school administrator" means a
16 principal, assistant principal, or any other person who serves in a
17 supervisory or administrative capacity in a school district.

18 SECTION 3. AMENDATORY 70 O.S. 2021, Section 1210.163, as
19 amended by Section 46, Chapter 59, O.S.L. 2024 (70 O.S. Supp. 2024,
20 Section 1210.163), is amended to read as follows:

21 Section 1210.163. A. Every school employee having reason to
22 believe that a student under the age of eighteen (18) years is a
23 victim of abuse or neglect shall report the matter immediately to
24 the Department of Human Services and local law enforcement. Reports

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

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

10 C. In reports required by subsection A or B of this section,
11 local law enforcement shall keep confidential and redact any
12 information identifying the reporting school employee unless
13 otherwise ordered by the court. A school employee with knowledge of
14 a report required by subsection A or B of this section shall not
15 disclose information identifying the reporting school employee
16 unless otherwise ordered by the court or as part of an investigation
17 by local law enforcement or the Department.

18 D. Any superintendent or school administrator of a school
19 district who knowingly and willfully fails to promptly report or
20 interferes with the prompt reporting of abuse or neglect shall be
21 subject to the penalties provided for in Section 2 of this act. As
22 used in this subsection, "school administrator" means a principal,
23 assistant principal, or any other person who serves in a supervisory
24 or administrative capacity in a school district.

1 E. 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 sexual
20 abuse material, 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 sexual abuse material or knowingly possessing, procuring
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1 or manufacturing child sexual abuse material, as described in
2 Section 1021.2 of Title 21 of the Oklahoma Statutes;

3 10. Permitting or consenting to the participation of a minor
4 child in any child sexual abuse material, as described in Section
5 1021.3 of 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; and

21 16. Sexual battery, when committed upon a person who is at
22 least sixteen (16) years of age and is less than twenty (20) years
23 of age and is a student, or in the legal custody or supervision of
24 any public or private elementary or secondary school, or technology

1 center school, by a person who is eighteen (18) years of age or
2 older and is an employee of a school system.

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

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