

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 576

By: Kidd of the Senate

and

Conley of the House

7  
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10                                   COMMITTEE SUBSTITUTE

11                   An Act relating to school employees; amending 10A  
12                   O.S. 2011, Section 1-2-101, as last amended by  
13                   Section 5 of Enrolled Senate Bill No. 1041 of the 1st  
14                   Session of the 57th Oklahoma Legislature, which  
15                   relates to child abuse or neglect reporting;  
16                   modifying reporting requirements for school employee;  
17                   amending Section 2, Chapter 323, O.S.L. 2018 (70 O.S.  
18                   Supp. 2018, Section 1210.163), which relates to  
19                   reporting potential abuse or neglect; directing  
20                   school employee to report suspected child abuse or  
21                   neglect to Department of Human Services and local law  
22                   enforcement; requiring allegations reported to a  
23                   county office be referred to Department hotline;  
24                   mandating report involving a student who is not a  
                  minor to be made to local law enforcement; providing  
                  an effective date; and declaring an emergency.

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

SECTION 1.            AMENDATORY            10A O.S. 2011, Section 1-2-101, as  
last amended by Section 5 of Enrolled Senate Bill No. 1041 of the

1 1st Session of the 57th Oklahoma Legislature, is amended to read as  
2 follows:

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

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

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

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

- 14 a. the number of calls screened out,
- 15 b. the number of referrals assigned,
- 16 c. the number of calls received by persons unwilling to  
17 disclose basic personal information including, but not  
18 limited to, first and last name, and
- 19 d. the number of calls in which the allegations were  
20 later found to be unsubstantiated or ruled out.

21 5. The Department shall electronically record each referral  
22 received by the hotline and establish a secure means of retaining  
23 the recordings for twelve (12) months. The recordings shall be  
24 confidential and subject to disclosure only if a court orders the

1 disclosure of the referral. The Department shall redact any  
2 information identifying the reporting party unless otherwise ordered  
3 by the court.

4 B. 1. Every person having reason to believe that a child under  
5 the age of eighteen (18) years is a victim of abuse or neglect shall  
6 report the matter immediately to the Department of Human Services.  
7 Reports shall be made to the hotline provided for in subsection A of  
8 this section. Any allegation of abuse or neglect reported in any  
9 manner to a county office shall immediately be referred to the  
10 hotline by the Department. Provided, however, that in actions for  
11 custody by abandonment, provided for in Section 2-117 of Title 30 of  
12 the Oklahoma Statutes, there shall be no reporting requirement.

13 2. a. Every ~~teacher of any child under the age of eighteen~~  
14 ~~(18) years~~ school employee having reason to believe  
15 that a child under the age of eighteen (18) years is a  
16 victim of abuse or neglect shall report the matter  
17 immediately to the Department of Human Services and  
18 local law enforcement. Reports to the Department  
19 shall be made to the hotline provided for in  
20 subsection A of this section. Any allegation of abuse  
21 or neglect reported in any manner to a county office  
22 shall immediately be referred to the hotline by the  
23 Department. Provided, however, that in actions for  
24 custody by abandonment, provided for in Section 2-117

1 of Title 30 of the Oklahoma Statutes, there shall be  
2 no reporting requirement, and

3 b. ~~every teacher of a student age eighteen (18) years or~~  
4 ~~older~~ Every school employee having reason to believe  
5 that a student age eighteen (18) years or older is a  
6 victim of abuse or neglect shall report the matter  
7 immediately to local law enforcement.

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

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

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

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

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

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

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

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

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

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

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1 SECTION 2. AMENDATORY Section 2, Chapter 323, O.S.L.  
2 2018 (70 O.S. Supp. 2018, Section 1210.163), is amended to read as  
3 follows:

4 Section 1210.163 A. ~~A school employee who has reason to~~  
5 ~~believe that a student is a victim of abuse or neglect shall report~~  
6 ~~the matter promptly to the Department of Human Services and to local~~  
7 ~~law enforcement. Reports to the Department of Human Services shall~~  
8 ~~be made via the hotline provided for in subsection A of Section 1-2-~~  
9 ~~101 of Title 10A of the Oklahoma Statutes~~ Every school employee  
10 having reason to believe that a child under the age of eighteen (18)  
11 years is a victim of abuse or neglect shall report the matter  
12 immediately to the Department of Human Services and local law  
13 enforcement. Reports to the Department shall be made to the hotline  
14 provided for in Section 1-2-101 of Title 10A of the Oklahoma  
15 Statutes. Any allegation of abuse or neglect reported in any manner  
16 to a county office shall immediately be referred to the hotline by  
17 the Department.

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

22 C. For the purposes of this section, "child abuse and neglect"  
23 shall include, but not be limited to:

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- 1        1. Child abuse as defined in Section 843.5 of Title 21 of the  
2 Oklahoma Statutes;
- 3        2. Sexual abuse or sexual exploitation as defined in Section 1-  
4 1-105 of Title 10A of the Oklahoma Statutes;
- 5        3. Contributing to the delinquency of a minor as defined in  
6 Section 856 of Title 21 of the Oklahoma Statutes;
- 7        4. Trafficking in children, as defined in Section 866 of Title  
8 21 of the Oklahoma Statutes;
- 9        5. Incest as described in Section 885 of Title 21 of the  
10 Oklahoma Statutes;
- 11       6. Forcible sodomy, as described in Section 888 of Title 21 of  
12 the Oklahoma Statutes;
- 13       7. Maliciously, forcibly or fraudulently taking or enticing a  
14 child away, as described in Section 891 of Title 21 of the Oklahoma  
15 Statutes;
- 16       8. Soliciting or aiding a minor child to perform or showing,  
17 exhibiting, loaning or distributing obscene material or child  
18 pornography, as described in Section 1021 of Title 21 of the  
19 Oklahoma Statutes;
- 20       9. Procuring or causing the participation of any minor child in  
21 any child pornography or knowingly possessing, procuring or  
22 manufacturing child pornography, as described in Section 1021.2 of  
23 Title 21 of the Oklahoma Statutes;

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1        10. Permitting or consenting to the participation of a minor  
2 child in any child pornography, as described in Section 1021.3 of  
3 Title 21 of the Oklahoma Statutes;

4        11. Facilitating, encouraging, offering or soliciting sexual  
5 conduct with a minor, as described in Section 1040.13a of Title 21  
6 of the Oklahoma Statutes;

7        12. Offering or offering to secure a minor child for the  
8 purposes of prostitution or any other lewd or indecent act, as  
9 described in Section 1087 of Title 21 of the Oklahoma Statutes;

10       13. Causing, inducing, persuading or encouraging a minor child  
11 to engage or continue to engage in prostitution, as described in  
12 Section 1088 of Title 21 of the Oklahoma Statutes;

13       14. Rape or rape by instrumentation, as described in Sections  
14 1111.1 and 1114 of Title 21 of the Oklahoma Statutes; and

15       15. Making any oral, written or electronically or computer-  
16 generated lewd or indecent proposals to a minor child under the age  
17 of sixteen (16) as described in Section 1123 of Title 21 of the  
18 Oklahoma Statutes.

19       SECTION 3. This act shall become effective July 1, 2019.

20       SECTION 4. It being immediately necessary for the preservation  
21 of the public peace, health or safety, an emergency is hereby  
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1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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4 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04/10/2019  
5 - DO PASS, As Amended.

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