

ENROLLED SENATE
BILL NO. 377

By: Helton of the Senate

and

Askins, Glover, Worthen and
Sadler of the House

An Act relating to children; amending 10 O.S. 1991, Section 404.1, as last amended by Section 8 of Enrolled House Bill No. 1207 of the 1st Session of the 45th Oklahoma Legislature, which relates to the Oklahoma Child Care Facilities Licensing Act; removing the exemption of foster family homes from the criminal history investigation requirement; requiring the Department of Human Services to conduct certain investigation for certain applicant and certain adults; requiring the Department of Human Services to promulgate certain rules; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 404.1, as last amended by Section 8 of Enrolled House Bill No. 1207 of the 1st Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 404.1 A. The owner or administrator of a child care facility, other than a ~~foster family home or a day care center~~, providing full-time care or twenty-four-hour supervised care shall arrange, prior to employment, for a criminal history investigation conducted by the Oklahoma State Bureau of Investigation for an applicant for employment.

B. 1. Every owner or administrator of a day care center and a family day care home shall arrange, prior to employment, for a criminal history investigation conducted by the Oklahoma State Bureau of Investigation for an applicant for employment.

2. Prior to initial placement of a child into a foster family home, the Department of Human Services shall arrange for a criminal history investigation, conducted by the Oklahoma State Bureau of Investigation, for a foster family applicant and for any adult residing in such foster family home.

3. The Department shall promulgate rules to identify circumstances when a criminal history investigation of a foster family applicant and of any adult residing in such foster family home shall be expanded beyond the investigation conducted by the Oklahoma State Bureau of Investigation.

C. A conviction for a crime shall not be an absolute bar to employment, except as provided in subsection F of this section, but shall be considered in relation to specific employment duties and responsibilities.

D. Information received by an owner or administrator of a child care facility or a day care center pursuant to this section shall be maintained in a confidential manner. Whenever an applicant is subsequently employed by ~~said the~~ owner or administrator, ~~said the~~ information shall not be made a part of ~~that the~~ individual's personnel records.

E. A criminal history investigation conducted by the Oklahoma State Bureau of Investigation pursuant to this section shall include a search of Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act, Section 581 et seq. of Title 57 of the Oklahoma Statutes.

F. It shall be unlawful for any person who is required to register pursuant to the Sex Offenders Registration Act, ~~Section 581 et seq. of Title 57 of the Oklahoma Statutes,~~ to work with or provide services to children and for any employer who offers or provides services to children to knowingly and willfully employ or allow continued employment of any person who is required to register pursuant to the Sex Offenders Registration Act. Upon a determination of any violation of the provisions of this section, the ~~violators~~ violation shall be subject to a civil fine not to exceed One Thousand Dollars (\$1,000.00). In addition, the violator may be liable for civil damages.

SECTION 2. This act shall become effective November 1, 1995.
Passed the Senate the 15th day of May, 1995.

President of the Senate

Passed the House of Representatives the 17th day of May, 1995.

Speaker of the House of Representatives