

THE STATE SENATE
Tuesday, March 28, 2000

Committee Substitute for
ENGROSSED
House Bill No. 2037

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 2037 - By: ASKINS
of the House and COFFEE of the Senate.

An Act relating to children; amending 21 O.S. 1991, Section 843, as renumbered by Section 20, Chapter 353, O.S.L. 1995, and as last amended by Section 57, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (10 O.S. Supp. 1999, Section 7115), which relates to abuse or neglect of children; specifying types of child abuse and neglect; defining terms; establishing penalties; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 843, as renumbered by Section 20, Chapter 353, O.S.L. 1995, and as last amended by Section 57, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (10 O.S. Supp. 1999, Section 7115), is amended to read as follows:

Section 7115. A. Any parent or other person who shall willfully or maliciously engage in child abuse ~~or neglect or who shall otherwise willfully or maliciously injure, torture, maim, use unreasonable force upon a child under the age of eighteen (18), or sexually abuse, sexually exploit or otherwise abuse or neglect such child, or who shall willfully or maliciously cause, procure or~~

1 ~~permit any of said acts to be done,~~ shall, upon conviction, be
2 guilty of a felony ~~and punished~~ punishable by imprisonment in the
3 State Penitentiary not exceeding life imprisonment, or by
4 imprisonment in a county jail not exceeding one (1) year, or by a
5 fine of not less than Five Hundred Dollars (\$500.00) nor more than
6 Five Thousand Dollars (\$5,000.00), or both such fine and
7 imprisonment. As used in this ~~section~~ subsection, "child abuse"
8 means the willful or malicious abuse, as defined by paragraph 1 of
9 subsection B of Section 7102 of this title, of a child under
10 eighteen (18) years of age by another, or the act of willfully or
11 maliciously injuring, torturing or maiming a child under eighteen
12 (18) years of age by another.

13 B. Any parent or other person who shall willfully or
14 maliciously engage in enabling child abuse shall, upon conviction,
15 be punished by imprisonment in the State Penitentiary not exceeding
16 life imprisonment, or by imprisonment in a county jail not exceeding
17 one (1) year, or by a fine of not less than Five Hundred Dollars
18 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or both
19 such fine and imprisonment. As used in this subsection, "enabling
20 child abuse" means the causing, procuring or permitting of a willful
21 or malicious act of child abuse, as defined by paragraph 1 of
22 subsection B of Section 7102 of this title, of a child under
23 eighteen (18) years of age by another. As used in this subsection,

1 "permit" means to authorize or allow for the care of a child by an
2 individual when the person authorizing or allowing such care knows
3 or reasonably should know that the child will be placed at risk of
4 abuse as proscribed by this ~~section~~ subsection.

5 C. Any parent or other person who shall willfully or
6 maliciously engage in child neglect shall, upon conviction, be
7 punished by imprisonment in the State Penitentiary not exceeding
8 life imprisonment, or by imprisonment in a county jail not exceeding
9 one (1) year, or by a fine of not less Five Hundred Dollars
10 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both
11 such fine and imprisonment. As used in this subsection, "child
12 neglect" means the willful or malicious neglect, as defined by
13 paragraph 3 of subsection B of Section 7102 of this title, of a
14 child under eighteen (18) years of age by another.

15 D. Any parent or other person who shall willfully or
16 maliciously engage in enabling child neglect shall, upon conviction,
17 be punished by imprisonment in the State Penitentiary not exceeding
18 life imprisonment, or by imprisonment in a county jail not exceeding
19 one (1) year, or by a fine of not less than Five Hundred Dollars
20 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both
21 such fine and imprisonment. As used in this subsection, "enabling
22 child neglect" means the causing, procuring or permitting of a
23 willful or malicious act of child neglect, as defined by paragraph 3

1 of subsection B of Section 7102 of this title, of a child under
2 eighteen (18) years of age by another. As used in this subsection,
3 "permit" means to authorize or allow for the care of a child by an
4 individual when the person authorizing or allowing such care knows
5 or reasonably should know that the child will be placed at risk of
6 neglect as proscribed by this subsection.

7 E. Any parent or other person who shall willfully or
8 maliciously engage in child sexual abuse shall, upon conviction, be
9 punished by imprisonment in the State Penitentiary not exceeding
10 life imprisonment, or by imprisonment in a county jail not exceeding
11 one (1) year, or by a fine of not less than Five Hundred (\$500.00)
12 nor more than Five Thousand Dollars (\$5,000.00), or both such fine
13 and imprisonment. As used in this section, "child sexual abuse"
14 means the willful or malicious sexual abuse, as defined by paragraph
15 6 of subsection B of Section 7102 of this title, of a child under
16 eighteen (18) years of age by another.

17 F. Any parent or other person who shall willfully or
18 maliciously engage in enabling child sexual abuse shall, upon
19 conviction, be punished by imprisonment in the State Penitentiary
20 not exceeding life imprisonment, or by imprisonment in a county jail
21 not exceeding one (1) year, or by a fine of not less than Five
22 Hundred Dollars (\$500.00) nor more than Five Thousand Dollars
23 (\$5,000.00), or both such fine and imprisonment. As used in this

1 subsection, "enabling child sexual abuse" means the causing,
2 procuring or permitting of a willful or malicious act of child
3 sexual abuse, as defined by paragraph 6 of subsection B of Section
4 7102 of this title, of a child under the age of eighteen (18) by
5 another. As used in this subsection, "permit" means to authorize or
6 allow for the care of a child by an individual when the person
7 authorizing or allowing such care knows or reasonably should know
8 that the child will be placed at risk of sexual abuse as proscribed
9 by this subsection.

10 G. Any parent or other person who shall willfully or
11 maliciously engage in child sexual exploitation shall, upon
12 conviction, be punished by imprisonment in the State Penitentiary
13 not exceeding life imprisonment, or by imprisonment in a county jail
14 not exceeding one (1) year, or by a fine of not less than Five
15 Hundred Dollars (\$500.00) nor more than Five Thousand Dollars
16 (\$5,000.00), or both such fine and imprisonment. As used in this
17 subsection, "child sexual exploitation" means the willful or
18 malicious sexual exploitation, as defined by paragraph 7 of
19 subsection B of Section 7102 of this title, of a child under
20 eighteen (18) years of age by another.

21 H. Any parent or other person who shall willfully or
22 maliciously engage in enabling child sexual exploitation shall, upon
23 conviction, be punished by imprisonment in the State Penitentiary

1 not exceeding life imprisonment, or by imprisonment in a county jail
2 not exceeding one (1) year, or by a fine of not less than Five
3 Hundred Dollars (\$500.00) nor more than Five Thousand Dollars
4 (\$5,000.00), or both such fine and imprisonment. As used in this
5 subsection, "enabling child sexual exploitation" means the causing,
6 procuring or permitting of a willful or malicious act of child
7 sexual exploitation, as defined by paragraph 7 of subsection B of
8 Section 7102 of this title, of a child under eighteen (18) years of
9 age by another. As used in this subsection, "permit" means to
10 authorize or allow for the care of a child by an individual when the
11 person authorizing or allowing such care knows or reasonably should
12 know that the child will be placed at risk of sexual exploitation as
13 proscribed by this subsection.

14 SECTION 2. This act shall become effective November 1, 2000.

15 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-22-00 - DO
16 PASS, As Amended.