

ENGROSSED HOUSE
BILL NO. 1621

By: Graves of the House

and

Snyder of the Senate

(children - child abuse and neglect - new expunction
procedure - codification -

effective date)

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7106.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to Section 7106 of Title 10 of the Oklahoma Statutes, if an investigation or assessment conducted by the Department of Human Services in response to any report of child abuse or neglect shows that the incident reported was the result of a false accusation or the reasonable exercise of parental discipline involving the use of ordinary force, including, but not limited to, spanking, switching or paddling, the investigation or assessment shall proceed no further. If the incident was the result of a false accusation or the reasonable exercise of parental discipline involving the use of ordinary force, including, but not limited to, spanking, switching or paddling, all records regarding the incident shall be expunged.

B. 1. Except as otherwise provided by this subsection, the Department shall not maintain a record of services not needed determination for longer than five (5) years after the entry of the record to the Central Registry for Child Abuse, Sexual Abuse and

Neglect, if there has been no further report concerning the same individual within that five-year period; and

2. The Department shall not maintain a record of services not needed determination for longer than eight (8) years after the entry of the record to the Central Registry for Child Abuse, Sexual Abuse and Neglect if:

- a. the record of services not needed determination involves a child under the age of six (6), and
- b. there has been no further report within that eight-year period concerning the same individual.

C. The time limitations provided for in subsection B of this section shall be suspended for any period of time that the individual who is the subject of the report is incarcerated.

D. The Commission for Human Services shall promulgate the necessary rules to implement this section.

SECTION 2. This act shall become effective November 1, 2003.

Passed the House of Representatives the 13th day of March, 2003.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2003.

Presiding Officer of the Senate