

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 1231

By: Young, Nance, Tibbs and
McMullen of the House

and

Johnson of the Senate

(children - amending 10 O.S., Section 7115 - child
abuse -

effective date)

AMENDMENT NO. 1: Page 1, strike the title, enacting clause
and entire bill and insert

"[children - amending 10 O.S., Section 7115 - child
abuse -

effective date]

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7115, as
amended by Section 7, Chapter 455, O.S.L. 2002 (10 O.S. Supp. 2005,
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 shall, upon
conviction, be guilty of a felony punishable by imprisonment in the
State Penitentiary ~~not exceeding life imprisonment, or by~~
~~imprisonment in a county jail not exceeding~~ for not less than one
(1) year nor more than life, or by a fine of not less than Five
Hundred Dollars (\$500.00) nor more than Five Thousand Dollars
(\$5,000.00), or both such fine and imprisonment. As used in this
subsection, "child abuse" means the willful or malicious abuse, as
defined by paragraph 1 of subsection B of Section 7102 of this

title, of a child under eighteen (18) years of age by another, or the act of willfully or maliciously injuring, torturing or maiming a child under eighteen (18) years of age by another.

B. Any parent or other person who shall willfully or maliciously engage in enabling child abuse shall, upon conviction, be punished by imprisonment in the State Penitentiary ~~not exceeding life imprisonment, or by imprisonment in a county jail not exceeding~~ for not less than one (1) year nor more than life, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or both such fine and imprisonment. As used in this subsection, "enabling child abuse" means the causing, procuring or permitting of a willful or malicious act of child abuse, as defined by paragraph 1 of subsection B of Section 7102 of this title, of a child under eighteen (18) years of age by another. As used in this subsection, "permit" means to authorize or allow for the care of a child by an individual when the person authorizing or allowing such care knows or reasonably should know that the child will be placed at risk of abuse as proscribed by this subsection.

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

D. Any parent or other person who shall willfully or maliciously engage in enabling child neglect shall, upon conviction, be punished by imprisonment in the State Penitentiary ~~not exceeding~~

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

E. Any parent or other person who shall willfully or
maliciously engage in child sexual abuse shall, upon conviction, be
punished by imprisonment in the State Penitentiary ~~not exceeding~~
~~life imprisonment, or by imprisonment in a county jail not exceeding~~
for not less than one (1) year nor more than life, or by a fine of
not less than Five Hundred Dollars (\$500.00) nor more than Five
Thousand Dollars (\$5,000.00), or both such fine and imprisonment,
except as provided in Section ~~3~~ 51.1a of ~~this act~~ Title 21 of the
Oklahoma Statutes. Any parent or other person convicted of child
sexual abuse subsequent to a previous conviction for child sexual
abuse shall be punished by death or by imprisonment for life without
parole. As used in this section, "child sexual abuse" means the
willful or malicious sexual abuse, as defined by paragraph 6 of
subsection B of Section 7102 of this title, of a child under
eighteen (18) years of age by another regardless of whether the
perpetrator is a person responsible for the child's health, safety
or welfare.

F. Any parent or other person who shall willfully or
maliciously engage in enabling child sexual abuse shall, upon

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

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

H. Any parent or other person who shall willfully or maliciously engage in enabling child sexual exploitation shall, upon conviction, be punished by imprisonment in the State Penitentiary ~~not exceeding life imprisonment, or by imprisonment in a county jail not exceeding~~ for not less than one (1) year nor more than life, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and

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

SECTION 2. This act shall become effective November 1, 2006."

and when the title is restored amend the title to conform

Passed the Senate the 20th day of April, 2006.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2006.

Presiding Officer of the House
of Representatives