

ENGROSSED SENATE AMENDMENTS
TO
ENGROSSED HOUSE
BILL NO. 2538

By: Peterson (Pam) of the House

and

Mazzei of the Senate

An Act relating to adoption; amending 10 O.S. 2001, Sections 7503-3.1 and 7505-2.1, which relate to adoption of minors; modifying method of in-hand service; clarifying certain term; adding certain person for applicability of act; requiring certain waiver be in writing; amending 21 O.S. 2001, Sections 865 and 866, which relate to trafficking in children; adding certain definitions; modifying certain definition; adding certain conduct considered to be the crime of trafficking in children; providing penalty; classifying person subject to certain compliance; providing an effective date; and declaring an emergency.

AUTHORS: Add the following Senate Coauthors: Gumm and
Branan

AMENDMENT NO. 1. Page 1, line 16, delete all of Section 1
and renumber subsequent sections

AMENDMENT NO. 2. Page 14, Section 4, line 24, after the word
"thereof" strike all language through the
word "complying" on line 25 and insert the
words "thereafter refusing to comply upon
request"

and on page 16, line 30, through page 17,
line 2, delete all of subparagraph c

AMENDMENT NO. 3. Page 17, line 22 1/2, insert a new section
to read

"SECTION 4. 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 one (1) year, 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 one (1) year, 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 one (1) year, 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 one (1) year, 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 one (1) year, 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~~ 51.1 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 acts of 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 one (1) year, 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 one (1) year, 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 one (1) year, 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."

AMENDMENT NO. 4. Page 1, line 6, amend the title to read

"An Act relating to adoption; amending 10 O.S. 2001, Section 7505-2.1, which relates to adoption of minors; clarifying certain term; adding certain person for applicability of act; requiring certain waiver be in writing; amending 21 O.S. 2001, Sections 865 and 866, which relate to trafficking in children; adding certain definitions; modifying certain definition; adding certain conduct considered to be the crime of trafficking in children; classifying person subject to certain compliance; amending 10 O.S. 2001, Section 7115, as amended by Section 7, Chapter 455, O.S.L. 2002 (10 O.S. Supp. 2005, Section 7115), which relates to child abuse; modifying punishment for conviction of certain offense; providing an effective date; and declaring an emergency."

Passed the Senate the 11th 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