

CS for EHB 1231

THE STATE SENATE
Monday, April 10, 2006

Committee Substitute for
ENGROSSED
House Bill No. 1231

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1231 - By: YOUNG,
NANCE, TIBBS and McMULLEN of the House and JOHNSON (Mike) of the
Senate.

[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

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

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

18 C. Any parent or other person who shall willfully or
19 maliciously engage in child neglect shall, upon conviction, be
20 punished by imprisonment in the State Penitentiary ~~not exceeding~~
21 ~~life imprisonment, or by imprisonment in a county jail not exceeding~~
22 for not less than one (1) year nor more than life, or by a fine of
23 not less than Five Hundred Dollars (\$500.00) nor more than Five

1 Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

2 As used in this subsection, "child neglect" means the willful or
3 malicious neglect, as defined by paragraph 3 of subsection B of
4 Section 7102 of this title, of a child under eighteen (18) years of
5 age by another.

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

13 As used in this subsection, "enabling child neglect" means the
14 causing, procuring or permitting of a willful or malicious act of
15 child neglect, as defined by paragraph 3 of subsection B of Section
16 7102 of this title, of a child under eighteen (18) years of age by
17 another. As used in this subsection, "permit" means to authorize or
18 allow for the care of a child by an individual when the person
19 authorizing or allowing such care knows or reasonably should know
20 that the child will be placed at risk of neglect as proscribed by
21 this subsection.

22 E. Any parent or other person who shall willfully or
23 maliciously engage in child sexual abuse shall, upon conviction, be

1 punished by imprisonment in the State Penitentiary ~~not exceeding~~
2 ~~life imprisonment, or by imprisonment in a county jail not exceeding~~
3 for not less than one (1) year nor more than life, or by a fine of
4 not less than Five Hundred Dollars (\$500.00) nor more than Five
5 Thousand Dollars (\$5,000.00), or both such fine and imprisonment,
6 except as provided in Section 3 51.1a of ~~this act~~ Title 21 of the
7 Oklahoma Statutes. As used in this section, "child sexual abuse"
8 means the willful or malicious sexual abuse, as defined by paragraph
9 6 of subsection B of Section 7102 of this title, of a child under
10 eighteen (18) years of age by another.

11 F. Any parent or other person who shall willfully or
12 maliciously engage in enabling child sexual abuse shall, upon
13 conviction, be punished by imprisonment in the State Penitentiary
14 ~~not exceeding life imprisonment, or by imprisonment in a county jail~~
15 ~~not exceeding~~ for not less than one (1) year nor more than life, or
16 by a fine of not less than Five Hundred Dollars (\$500.00) nor more
17 than Five Thousand Dollars (\$5,000.00), or both such fine and
18 imprisonment. As used in this subsection, "enabling child sexual
19 abuse" means the causing, procuring or permitting of a willful or
20 malicious act of child sexual abuse, as defined by paragraph 6 of
21 subsection B of Section 7102 of this title, of a child under the age
22 of eighteen (18) by another. As used in this subsection, "permit"
23 means to authorize or allow for the care of a child by an individual

1 when the person authorizing or allowing such care knows or
2 reasonably should know that the child will be placed at risk of
3 sexual abuse as proscribed by this subsection.

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

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

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-5-06 - DO
10 PASS, As Amended.