

1 ENGROSSED HOUSE
2 BILL NO. 3142

By: McCullough and Kern of the
House

3 and

4 Sykes of the Senate
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7 An Act relating to children; amending 10 O.S. 2001,
8 Section 7115, as last amended by Section 5 of
9 Enrolled Senate Bill No. 1830 of the 2nd Session of
10 the 51st Oklahoma Legislature, which relates to child
11 abuse and neglect; defining term; expanding
12 application of child neglect; providing for certain
13 offenses of neglect to receive specific punishment;
14 modifying definition; and providing an effective
15 date.

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

17 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7115, as
18 last amended by Section 5 of Enrolled Senate Bill No. 1830 of the
19 2nd Session of the 51st Oklahoma Legislature, is amended to read as
20 follows:

21 Section 7115. A. For purposes of this section, "person" means
22 anyone who has assumed responsibility for a child, whether
23 voluntarily or because of legal obligation.

24 B. 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 custody of the

1 Department of Corrections not exceeding life imprisonment, or by
2 imprisonment in a county jail not exceeding one (1) year, or by a
3 fine of not less than Five Hundred Dollars (\$500.00) nor more than
4 Five Thousand Dollars (\$5,000.00), or both such fine and
5 imprisonment. As used in this subsection, "child abuse" means the
6 willful or malicious abuse, as defined by paragraph 1 of subsection
7 B of Section 7102 of this title, of a child under eighteen (18)
8 years of age by another, or the act of willfully or maliciously
9 injuring, torturing or maiming a child under eighteen (18) years of
10 age by another.

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

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

11 1. Five (5) years;

12 2. Ten (10) years if it consists of cruel confinement or
13 abandonment that:

14 a. deprives a child of necessary food, water, or sanitary
15 facilities,

16 b. is in an area not intended for human habitation, or

17 c. involves the unlawful use of handcuffs, a rope, a
18 cord, tape, or a similar device to physically restrain
19 a child;

20 3. Twenty-five (25) years if it results in bodily injury or is
21 committed while in the presence of a drug-related offense; or

22 4. Life if it is committed by a person at least eighteen (18)
23 years of age and results in the death of a child who is less than
24 fourteen (14) years of age.

1 As used in this subsection, "child neglect" means ~~the willful or~~
2 ~~malicious neglect, as defined by paragraph 3 of subsection B of~~
3 ~~Section 7102 of this title, of a child under eighteen (18) years of~~
4 ~~age by another~~ placing the child in a situation that endangers the
5 life or health of the child, abandoning or cruelly confining the
6 child, or depriving the child of necessary support.

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

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

1 punished by imprisonment in the custody of the Department of
2 Corrections not exceeding life imprisonment, or by imprisonment in a
3 county jail not exceeding one (1) year, or by a fine of not less
4 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
5 Dollars (\$5,000.00), or both such fine and imprisonment, except as
6 provided in Section 51.1a of Title 21 of the Oklahoma Statutes or as
7 otherwise provided in subsection F of this section for a child
8 victim under twelve (12) years of age. Except for persons sentenced
9 to life or life without parole, any person sentenced to imprisonment
10 for two (2) years or more for a violation of this subsection shall
11 be required to serve a term of post-imprisonment supervision
12 pursuant to subparagraph f of paragraph 1 of subsection A of Section
13 991a of Title 22 of the Oklahoma Statutes under conditions
14 determined by the Department of Corrections. The jury shall be
15 advised that the mandatory post-imprisonment supervision shall be in
16 addition to the actual imprisonment. As used in this section,
17 "child sexual abuse" means the willful or malicious sexual abuse, as
18 defined by paragraph 6 of subsection B of Section 7102 of this
19 title, of a child under eighteen (18) years of age by another.

20 ~~F.~~ G. Any parent or other person who shall willfully or
21 maliciously engage in sexual abuse to a child under twelve (12)
22 years of age shall, upon conviction, be punished by imprisonment in
23 the custody of the Department of Corrections for not less than
24 twenty-five (25) years nor more than life imprisonment, and by a

1 fine of not less than Five Hundred Dollars (\$500.00) nor more than
2 Five Thousand Dollars (\$5,000.00).

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

19 ~~H.~~ I. Any parent or other person who shall willfully or
20 maliciously engage in child sexual exploitation shall, upon
21 conviction, be punished by imprisonment in the custody of the
22 Department of Corrections not exceeding life imprisonment, or by
23 imprisonment in a county jail not exceeding one (1) year, or by a
24 fine of not less than Five Hundred Dollars (\$500.00) nor more than

1 Five Thousand Dollars (\$5,000.00), or both such fine and
2 imprisonment except as provided in subsection I of this section for
3 a child victim under twelve (12) years of age. Except for persons
4 sentenced to life or life without parole, any person sentenced to
5 imprisonment for two (2) years or more for a violation of this
6 subsection shall be required to serve a term of post-imprisonment
7 supervision pursuant to subparagraph f of paragraph 1 of subsection
8 A of Section 991a of Title 22 of the Oklahoma Statutes under
9 conditions determined by the Department of Corrections. The jury
10 shall be advised that the mandatory post-imprisonment supervision
11 shall be in addition to the actual imprisonment. As used in this
12 subsection, "child sexual exploitation" means the willful or
13 malicious sexual exploitation, as defined by paragraph 7 of
14 subsection B of Section 7102 of this title, of a child under
15 eighteen (18) years of age by another.

16 ~~I.~~ J. Any parent or other person who shall willfully or
17 maliciously engage in sexual exploitation of a child under twelve
18 (12) years of age shall, upon conviction, be punished by
19 imprisonment in the custody of the Department of Corrections for not
20 less than twenty-five (25) years nor more than life imprisonment,
21 and by a fine of not less than Five Hundred Dollars (\$500.00) nor
22 more than Five Thousand Dollars (\$5,000.00).

23 ~~J.~~ K. Any parent or other person who shall willfully or
24 maliciously engage in enabling child sexual exploitation shall, upon

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

15 ~~K.~~ L. Notwithstanding any other provision of law, any parent or
16 other person convicted of forcible anal or oral sodomy, rape, rape
17 by instrumentation, or lewd molestation of a child under fourteen
18 (14) years of age subsequent to a previous conviction for any
19 offense of forcible anal or oral sodomy, rape, rape by
20 instrumentation, or lewd molestation of a child under fourteen (14)
21 years of age shall be punished by death or by imprisonment for life
22 without parole.

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