

EHB 2607

THE STATE SENATE
Monday, April 7, 2008

ENGROSSED

House Bill No. 2607

As Amended

ENGROSSED HOUSE BILL NO. 2607 - By: Peterson (Pam), Kern and Tibbs
of the House and Nichols of the Senate.

[sexual assault reporting requirements - Oklahoma Child
Abuse Reporting and Prevention Act - codification -
effective date]

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7104, as
amended by Section 1, Chapter 53, O.S.L. 2005 (10 O.S. Supp. 2007,
Section 7104), is amended to read as follows:

Section 7104. A. Any physician, surgeon, resident, intern,
physician's assistant, registered nurse, or any other health care
professional examining, attending, or treating the victim of what
appears to be criminally injurious conduct, including, but not
limited to, child physical or sexual abuse, as defined by the
Oklahoma Crime Victims Compensation Act, shall report orally or by
telephone the matter promptly to the nearest law enforcement agency
in the county wherein the criminally injurious conduct occurred, or
if the location where the conduct occurred is unknown, the report
shall be made to the law enforcement agency nearest to the location
where the injury is treated.

1 B. However, criminally injurious conduct which ~~appears~~
2 1. Appears to be or is reported by the victim to be domestic
3 abuse, as defined in Section 60.1 of Title 22 of the Oklahoma
4 Statutes, domestic abuse by strangulation, domestic abuse resulting
5 in great bodily harm, or domestic abuse in the presence of a minor
6 child, as defined in Section 644 of Title 21 of the Oklahoma
7 Statutes, shall be reported according to the standards for reporting
8 as set forth in the Domestic Abuse Reporting Act and Sections ~~3~~ 58
9 and ~~4~~ 59 of ~~this act~~ Title 22 of the Oklahoma Statutes; or
10 2. Appears to be or is reported by the victim to be rape, rape
11 by instrumentation or forcible sodomy, as defined in Section 1111,
12 1111.1 or 888 of Title 21 of the Oklahoma Statutes, or any form of
13 sexual assault, shall be reported according to the standards for
14 reporting as set forth in Section 2 of this act.

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 40.3A of Title 22, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Criminally injurious conduct, as defined by the Oklahoma
19 Crime Victims Compensation Act, which appears to be or is reported
20 by the victim to be rape, rape by instrumentation or forcible
21 sodomy, as defined in Section 1111, 1111.1 or 888 of Title 21 of the
22 Oklahoma Statutes, or any form of sexual assault, shall be reported

1 according to the standards for reporting as set forth in subsection
2 B of this section.

3 B. Except as provided for in Section 7104 of Title 10 of the
4 Oklahoma Statutes, any physician, surgeon, resident, intern,
5 physician's assistant, registered nurse, or any other health care
6 professional examining, attending, or treating the victim of what
7 appears to be or is reported by the victim to be rape, rape by
8 instrumentation or forcible sodomy, as defined in Section 1111,
9 1111.1 or 888 of Title 21 of the Oklahoma Statutes or any form of
10 sexual assault, shall not be required to report any incident of what
11 appears to be or is reported to be rape, rape by instrumentation,
12 forcible sodomy or any form of sexual assault if:

13 1. Committed upon the person of an adult who is over the age of
14 eighteen (18) years; and

15 2. The person is not an incapacitated adult.

16 C. Any physician, surgeon, resident, intern, physician's
17 assistant, registered nurse, or any other health care professional
18 examining, attending, or treating a victim shall be required to
19 report any incident of what appears to be or is reported to be rape,
20 rape by instrumentation, forcible sodomy or any form of sexual
21 assault, if requested to do so either orally or in writing by the
22 victim and shall be required to inform the victim of their right to
23 have a report made. A requested report of any incident shall be

1 promptly made orally or by telephone to the nearest law enforcement
2 agency in the county wherein the sexual assault occurred or, if the
3 location where the sexual assault occurred is unknown, the report
4 shall be made to the law enforcement agency nearest to the location
5 where the injury is treated.

6 D. In all cases of what appears to be or is reported to be
7 rape, rape by instrumentation, forcible sodomy or any form of sexual
8 assault, the physician, surgeon, resident, intern, physician's
9 assistant, registered nurse, or any other health care professional
10 examining, attending, or treating the victim of what appears to be
11 rape, rape by instrumentation, forcible sodomy or any form of sexual
12 assault, shall clearly and legibly document the incident and
13 injuries observed and reported, as well as any treatment provided or
14 prescribed.

15 E. In all cases of what appears to be or is reported to be
16 rape, rape by instrumentation, forcible sodomy or any form of sexual
17 assault, the physician, surgeon, resident, intern, physician's
18 assistant, registered nurse, or any other health care professional
19 examining, attending, or treating the victim of what appears to be
20 rape, rape by instrumentation, forcible sodomy or any form of sexual
21 assault, shall refer the victim to sexual assault and victim
22 services programs including providing the victim with twenty-four-

1 hour statewide telephone communication service established by
2 Section 18p-5 of Title 74 of the Oklahoma Statutes.

3 F. Every physician, surgeon, resident, intern, physician's
4 assistant, registered nurse, or any other health care professional
5 making a report of rape, rape by instrumentation, forcible sodomy or
6 any form of sexual assault pursuant to this section or examining a
7 victim of rape, rape by instrumentation, forcible sodomy or any form
8 of sexual assault to determine the likelihood of rape, rape by
9 instrumentation, forcible sodomy or any form of sexual assault, and
10 every hospital or related institution in which the victim of rape,
11 rape by instrumentation, forcible sodomy or any form of sexual
12 assault was examined or treated shall, upon the request of a law
13 enforcement officer conducting a criminal investigation into the
14 case, provide copies of the results of the examination or copies of
15 the examination on which the report was based, and any other
16 clinical notes, x-rays, photographs, and other previous or current
17 records relevant to the case to the investigating law enforcement
18 officer.

19 SECTION 3. This act shall become effective November 1, 2008.

20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-2-08 - DO
21 PASS, As Amended.