

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2607

By: Peterson (Pam)

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5
6 AS INTRODUCED

7 An Act relating to sexual assault reporting
8 requirements; amending 10 O.S. 2001, Section 7104, as
9 amended by Section 1, Chapter 53, O.S.L. 2005 (10
10 O.S. Supp. 2007, Section 7104), which relates to the
11 Oklahoma Child Abuse Reporting and Prevention Act;
12 updating statutory reference; requiring certain
13 crimes be reported according to certain standards;
14 making report of listed crimes nonmandatory under
15 certain circumstances; requiring health care
16 professionals to make a report upon request;
17 requiring notification to victims of the right to
18 make a report; directing health care professionals to
19 provide report to law enforcement; requiring health
20 care professionals to document injuries observed and
21 reported; requiring health care professionals to
22 refer victims to certain programs; directing health
23 care professionals, hospitals and related
24 institutions to provide certain documents to law
enforcement upon request; providing for codification;
and providing an 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

1 professional examining, attending, or treating the victim of what
2 appears to be criminally injurious conduct, including, but not
3 limited to, child physical or sexual abuse, as defined by the
4 Oklahoma Crime Victims Compensation Act, shall report orally or by
5 telephone the matter promptly to the nearest law enforcement agency
6 in the county wherein the criminally injurious conduct occurred, or
7 if the location where the conduct occurred is unknown, the report
8 shall be made to the law enforcement agency nearest to the location
9 where the injury is treated.

10 B. However, criminally injurious conduct which ~~appears:~~

11 1. Appears to be or is reported by the victim to be domestic
12 abuse, as defined in Section 60.1 of Title 22 of the Oklahoma
13 Statutes, domestic abuse by strangulation, domestic abuse resulting
14 in great bodily harm, or domestic abuse in the presence of a minor
15 child, as defined in Section 644 of Title 21 of the Oklahoma
16 Statutes, shall be reported according to the standards for reporting
17 as set forth in the Domestic Abuse Reporting Act and Sections ~~3~~ 58
18 and ~~4~~ 59 of ~~this act~~ Title 22 of the Oklahoma Statutes; or

19 2. Appears to be or is reported by the victim to be rape, rape
20 by instrumentation or forcible sodomy, as defined in Section 1111,
21 1111.1 or 888 of Title 21 of the Oklahoma Statutes, or any form of
22 sexual assault, shall be reported according to the standards for
23 reporting as set forth in Section 2 of this act.

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

4 A. Criminally injurious conduct, as defined by the Oklahoma
5 Crime Victims Compensation Act, which appears to be or is reported
6 by the victim to be rape, rape by instrumentation or forcible
7 sodomy, as defined in Section 1111, 1111.1 or 888 of Title 21 of the
8 Oklahoma Statutes, or any form of sexual assault, shall be reported
9 according to the standards for reporting as set forth in subsection
10 B of this section.

11 B. Except as provided for in Section 7104 of Title 10 of the
12 Oklahoma Statutes, any physician, surgeon, resident, intern,
13 physician's assistant, registered nurse, or any other health care
14 professional examining, attending, or treating the victim of what
15 appears to be or is reported by the victim to be rape, rape by
16 instrumentation or forcible sodomy, as defined in Section 1111,
17 1111.1 or 888 of Title 21 of the Oklahoma Statutes or any form of
18 sexual assault, shall not be required to report any incident of what
19 appears to be or is reported to be rape, rape by instrumentation,
20 forcible sodomy or any form of sexual assault if:

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

23 2. The person is not an incapacitated adult.

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1 C. Any physician, surgeon, resident, intern, physician's
2 assistant, registered nurse, or any other health care professional
3 examining, attending, or treating a victim shall be required to
4 report any incident of what appears to be or is reported to be rape,
5 rape by instrumentation, forcible sodomy or any form of sexual
6 assault, if requested to do so either orally or in writing by the
7 victim and shall be required to inform the victim of their right to
8 have a report made. A requested report of any incident shall be
9 promptly made orally or by telephone to the nearest law enforcement
10 agency in the county wherein the sexual assault occurred or, if the
11 location where the sexual assault occurred is unknown, the report
12 shall be made to the law enforcement agency nearest to the location
13 where the injury is treated.

14 D. In all cases of what appears to be or is reported to be
15 rape, rape by instrumentation, forcible sodomy or any form of sexual
16 assault, the physician, surgeon, resident, intern, physician's
17 assistant, registered nurse, or any other health care professional
18 examining, attending, or treating the victim of what appears to be
19 rape, rape by instrumentation, forcible sodomy or any form of sexual
20 assault, shall clearly and legibly document the incident and
21 injuries observed and reported, as well as any treatment provided or
22 prescribed.

23 E. In all cases of what appears to be or is reported to be
24 rape, rape by instrumentation, forcible sodomy or any form of sexual

1 assault, the physician, surgeon, resident, intern, physician's
2 assistant, registered nurse, or any other health care professional
3 examining, attending, or treating the victim of what appears to be
4 rape, rape by instrumentation, forcible sodomy or any form of sexual
5 assault, shall refer the victim to sexual assault and victim
6 services programs including providing the victim with twenty-four-
7 hour statewide telephone communication service established by
8 Section 18p-5 of Title 74 of the Oklahoma Statutes.

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

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

51-2-8868 GRS 12/27/07