

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3142

By: McCullough

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5
6 AS INTRODUCED

7 An Act relating to children; amending 10 O.S. 2001,
8 Section 7115, as last amended by Section 1, Chapter
9 325, O.S.L. 2007 (10 O.S. Supp. 2007, Section 7115),
10 which relates to child abuse and neglect; expanding
11 list of persons punishable for neglect; and providing
12 an effective date.

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

14 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7115, as
15 last amended by Section 1, Chapter 325, O.S.L. 2007 (10 O.S. Supp.
16 2007, Section 7115), is amended to read as follows:

17 Section 7115. A. Any parent or other person who shall
18 willfully or maliciously engage in child abuse shall, upon
19 conviction, be guilty of a felony punishable by imprisonment in the
20 custody of the Department of Corrections not exceeding life
21 imprisonment, or by imprisonment in a county jail not exceeding one
22 (1) year, or by a fine of not less than Five Hundred Dollars
23 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both
24 such fine and imprisonment. As used in this subsection, "child
abuse" means the willful or malicious abuse, as defined by paragraph

1 1 of subsection B of Section 7102 of this title, of a child under
2 eighteen (18) years of age by another, or the act of willfully or
3 maliciously injuring, torturing or maiming a child under eighteen
4 (18) years of age by another.

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

20 C. Any parent or other person who shall willfully or
21 maliciously engage in child neglect shall, upon conviction, be
22 punished by imprisonment in the custody of the Department of
23 Corrections not exceeding life imprisonment, or by imprisonment in a
24 county jail not exceeding one (1) year, or by a fine of not less

1 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
2 Dollars (\$5,000.00), or both such fine and imprisonment. As used in
3 this subsection, "child neglect" means the willful or malicious
4 neglect, as defined by paragraph 3 of subsection B of Section 7102
5 of this title, of a child under eighteen (18) years of age by
6 another.

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

23 E. 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. As used in this section,
9 "child sexual abuse" means the willful or malicious sexual abuse, as
10 defined by paragraph 6 of subsection B of Section 7102 of this
11 title, of a child under eighteen (18) years of age by another.

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

19 G. Any parent or other person who shall willfully or
20 maliciously engage in enabling child sexual abuse 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. As used in this subsection, "enabling child sexual
3 abuse" means the causing, procuring or permitting of a willful or
4 malicious act of child sexual abuse, as defined by paragraph 6 of
5 subsection B of Section 7102 of this title, of a child under the age
6 of eighteen (18) by another. As used in this subsection, "permit"
7 means to authorize or allow for the care of a child by an individual
8 when the person authorizing or allowing such care knows or
9 reasonably should know that the child will be placed at risk of
10 sexual abuse as proscribed by this subsection.

11 H. Any parent or other person who shall willfully or
12 maliciously engage in child sexual exploitation shall, upon
13 conviction, be punished by imprisonment in the custody of the
14 Department of Corrections not exceeding life imprisonment, or by
15 imprisonment in a county jail not exceeding one (1) year, or by a
16 fine of not less than Five Hundred Dollars (\$500.00) nor more than
17 Five Thousand Dollars (\$5,000.00), or both such fine and
18 imprisonment except as provided in subsection I of this section for
19 a child victim under twelve (12) years of age. As used in this
20 subsection, "child sexual exploitation" means the willful or
21 malicious sexual exploitation, as defined by paragraph 7 of
22 subsection B of Section 7102 of this title, of a child under
23 eighteen (18) years of age by another.

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1 I. Any parent or other person who shall willfully or
2 maliciously engage in sexual exploitation of a child under twelve
3 (12) years of age shall, upon conviction, be punished by
4 imprisonment in the custody of the Department of Corrections for not
5 less than twenty-five (25) years nor more than life imprisonment,
6 and by a fine of not less than Five Hundred Dollars (\$500.00) nor
7 more than Five Thousand Dollars (\$5,000.00).

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

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1 K. Notwithstanding any other provision of law, any parent or
2 other person convicted of forcible anal or oral sodomy, rape, rape
3 by instrumentation, or lewd molestation of a child under fourteen
4 (14) years of age subsequent to a previous conviction for any
5 offense of forcible anal or oral sodomy, rape, rape by
6 instrumentation, or lewd molestation of a child under fourteen (14)
7 years of age shall be punished by death or by imprisonment for life
8 without parole.

9 SECTION 2. This act shall become effective November 1, 2008.

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