

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 894

By: Coffee and Ivester of the  
Senate

3  
4 and

Miller of the House

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7  
8 ( sexual assault - Oklahoma Child Abuse Reporting and  
9 Prevention Act - codification -  
10 effective date )

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13 AUTHOR: Add the following House Coauthor: Cooksey

14 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert

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16 "An Act relating to sexual assault; amending 10 O.S.  
17 2001, Section 7104, as amended by Section 1, Chapter  
18 53, O.S.L. 2005 (10 O.S. Supp. 2008, Section 7104),  
19 which relates to the Oklahoma Child Abuse Reporting  
20 and Prevention Act; clarifying language; updating  
21 statutory reference; requiring certain crimes be  
22 reported according to certain standards; providing  
23 exceptions from certain reporting requirements;  
24 requiring health care professionals to make a report  
upon request; requiring notification to victims of  
the right to make a report; directing health care  
professionals to provide report to law enforcement;  
requiring health care professionals to document  
injuries observed and reported; requiring health  
care professionals to refer victims to certain  
programs; directing health care professionals,  
hospitals and related institutions to provide

1 certain documents to law enforcement upon request;  
2 providing for codification; and providing an  
3 effective date.

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

6 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7104, as  
7 amended by Section 1, Chapter 53, O.S.L. 2005 (10 O.S. Supp. 2008,  
8 Section 7104), is amended to read as follows:

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

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

21 1. Appears to be or is reported by the victim to be domestic  
22 abuse, as defined in Section 60.1 of Title 22 of the Oklahoma  
23 Statutes, domestic abuse by strangulation, domestic abuse resulting  
24 in great bodily harm, or domestic abuse in the presence of a minor

1 child, as defined in Section 644 of Title 21 of the Oklahoma  
2 Statutes, shall be reported according to the standards for reporting  
3 as set forth in the Domestic Abuse Reporting Act and Sections ~~3~~ 58  
4 and ~~4~~ 59 of ~~this act~~ Title 22 of the Oklahoma Statutes; or

5 2. Appears to be or is reported by the victim to be rape, rape  
6 by instrumentation or forcible sodomy, as defined in Section 1111,  
7 1111.1 or 888 of Title 21 of the Oklahoma Statutes, or any form of  
8 sexual assault, shall be reported according to the standards for  
9 reporting as set forth in Section 2 of this act.

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

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

22 1. Committed upon a person who is over the age of eighteen (18)  
23 years; and

24 2. The person is not an incapacitated adult.

1 B. 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 the victim's  
8 right to have a report made. A requested report of any incident  
9 shall be promptly made orally or by telephone to the nearest law  
10 enforcement agency in the county wherein the sexual assault occurred  
11 or, if the location where the sexual assault occurred is unknown,  
12 the report shall be made to the law enforcement agency nearest to  
13 the location where the injury is treated.

14 C. 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 such crimes, shall clearly and legibly document the incident and  
20 injuries observed and reported, as well as any treatment provided or  
21 prescribed.

22 D. In all cases of what appears to be or is reported to be  
23 rape, rape by instrumentation, forcible sodomy or any form of sexual  
24 assault, the physician, surgeon, resident, intern, physician's

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

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

20 SECTION 3. This act shall become effective November 1, 2009."  
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1 Passed the House of Representatives the 31st day of March, 2009.

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4 Presiding Officer of the House of  
Representatives  
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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2009.

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9 Presiding Officer of the Senate  
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