

SB 894

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THE STATE SENATE
Monday, February 23, 2009

Senate Bill No. 894
As Amended

SENATE BILL NO. 894 - By: Coffee of the Senate and Miller of the House.

[sexual assault - 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. 2008, 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 abuse, either 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.

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

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

9 2. Appears to be or is reported by the victim to be rape, rape
10 by instrumentation or forcible sodomy, as defined in Section 1111,
11 1111.1 or 888 of Title 21 of the Oklahoma Statutes, or any form of
12 sexual assault, shall be reported according to the standards for
13 reporting as set forth in Section 2 of this act.

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

17 A. Except as provided for in Section 7104 of Title 10 of the
18 Oklahoma Statutes, any physician, surgeon, resident, intern,
19 physician's assistant, registered nurse, or any other health care
20 professional examining, attending, or treating the victim of what
21 appears to be or is reported by the victim to be rape, rape by
22 instrumentation or forcible sodomy, as defined in Section 1111,
23 1111.1 or 888 of Title 21 of the Oklahoma Statutes or any form of

1 sexual assault, shall not be required to report any incident of what
2 appears to be or is reported to be such crimes if:

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

5 2. The person is not an incapacitated adult.

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

19 C. In all cases of what appears to be or is reported to be
20 rape, rape by instrumentation, forcible sodomy or any form of sexual
21 assault, the physician, surgeon, resident, intern, physician's
22 assistant, registered nurse, or any other health care professional
23 examining, attending, or treating the victim of what appears to be

1 such crimes, shall clearly and legibly document the incident and
2 injuries observed and reported, as well as any treatment provided or
3 prescribed.

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

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

1 notes, X-rays, photographs, and other previous or current records
2 relevant to the case.

3 SECTION 3. This act shall become effective November 1, 2009.

4 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated
5 2-19-09 - DO PASS, As Amended and Coauthored.