

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 894

By: Coffee

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5  
6 AS INTRODUCED

7 An Act relating to sexual assault; amending 10 O.S.  
8 2001, Section 7104, as amended by Section 1, Chapter  
9 53, O.S.L. 2005 (10 O.S. Supp. 2008, Section 7104),  
10 which relates to the Oklahoma Child Abuse Reporting  
11 and Prevention Act; updating statutory reference;  
12 requiring certain crimes be reported according to  
13 certain standards; providing exceptions from certain  
14 reporting requirements; requiring health care  
15 professionals to make a report upon request;  
16 requiring notification to victims of the right to  
17 make a report; directing health care professionals to  
18 provide report to law enforcement; requiring health  
19 care professionals to document injuries observed and  
20 reported; requiring health care professionals to  
21 refer victims to certain programs; directing health  
22 care professionals, hospitals and related  
23 institutions to provide certain documents to law  
24 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. 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

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

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

15 2. The person is not an incapacitated adult.

16 B. 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 the victim's  
23 right to have a report made. A requested report of any incident  
24 shall be promptly made orally or by telephone to the nearest law

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

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

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

23 E. Every physician, surgeon, resident, intern, physician's  
24 assistant, registered nurse, or any other health care professional

1 making a report of rape, rape by instrumentation, forcible sodomy or  
2 any form of sexual assault pursuant to this section or examining  
3 such victims to determine the likelihood of such crimes, and every  
4 hospital or related institution in which the victims were examined  
5 or treated shall, upon the request of a law enforcement officer  
6 conducting a criminal investigation into the case, provide to the  
7 officer copies of the results of the examination or copies of the  
8 examination on which the report was based, and any other clinical  
9 notes, X-rays, photographs, and other previous or current records  
10 relevant to the case.

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

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