

1 **SENATE FLOOR VERSION**

2 February 21, 2012

3 As Amended

4 SENATE BILL NO. 1312

5 By: Marlatt of the Senate

6 and

7 Jackson of the House

8 **[child protection - reporting requirement - penalty**
9 **- codification - effective date -**
10 **emergency]**

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1-2-101.1 of Title 10A, unless
15 there is created a duplication in numbering, reads as follows:

16 A. In addition to the reporting requirements provided in
17 Section 1-2-101 of Title 10A of the Oklahoma Statutes, any person
18 that witnesses sexual conduct, as defined in subsection B of Section
19 1024.1 of Title 21 of the Oklahoma Statutes, between an adult and a
20 child under the age of fourteen (14) years shall report the matter
21 promptly to the county or municipal law enforcement authority where
22 the conduct was witnessed.

23 B. No privilege or contract shall relieve any person from the
24 requirement of reporting pursuant to this section.

1 C. Any person who knowingly and willfully fails to promptly
2 report as required by this section or who interferes with the prompt
3 reporting required by this section may be reported to local law
4 enforcement for criminal investigation and, upon conviction thereof,
5 shall be guilty of a **misdemeanor, punishable by up to ninety (90)**
6 **days in the county jail and a fine not to exceed One Thousand**
7 **Dollars (\$1,000.00).**

8 D. The reporting obligations under this section are individual,
9 and no employer, supervisor, or administrator shall interfere with
10 the reporting obligations of any employee or other person or in any
11 manner discriminate or retaliate against the employee or other
12 person who in good faith reports as required by this section, or who
13 provides testimony in any proceeding involving misconduct related to
14 the report. Any employer, supervisor, or administrator who
15 discharges, discriminates or retaliates against the employee or
16 other person shall be liable for damages, costs and attorney fees.

17 E. Any person who knowingly and willfully makes a false report
18 pursuant to the provisions of this section or a report that the
19 person knows lacks factual foundation may be reported to local law
20 enforcement for criminal investigation and, upon conviction thereof,
21 shall be guilty of a misdemeanor **punishable by up to ninety (90)**
22 **days in the county jail and a fine not to exceed One Thousand**
23 **Dollars (\$1,000.00).**

1 F. Reports made in good faith pursuant to this section and not
2 found to violate subsection E of this section shall not give rise to
3 any liability, **either civil or criminal**, by the person making a
4 report as required by this section.

5 SECTION 2. This act shall become effective July 1, 2012.

6 SECTION 3. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-14-12 - DO
11 PASS, As Amended and Coauthored.

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