1	SENATE FLOOR VERSION
_	February 13, 2017
2	AS AMENDED
3	SENATE BILL NO. 392 By: Loveless
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6	<pre>[school employees - new job - exceptions - due process - codification - effective date -</pre>
7	emergency]
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10	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
11	SECTION 1. NEW LAW A new section of law to be codified
12	in the Oklahoma Statutes as Section 6-101.33 of Title 70, unless
13	there is created a duplication in numbering, reads as follows:
14	A. A school district employee shall be prohibited from
15	assisting another school district employee in obtaining a new job in
16	another school district within the State of Oklahoma if the employee
17	knows or has reason to believe that the employee seeking a new job
18	engaged in behavior that would form the basis for criminal charges
19	as provided for in Section 843.5 of Title 21 of the Oklahoma
20	Statutes if the offense involved sexual abuse or sexual exploitation
21	as those terms are defined in Section 1-1-105 of Title 10A of the
22	Oklahoma Statutes; Sections 741, 843.1, if the offense included
23	sexual abuse or sexual exploitation; 865 et seq., 885, 888, 891,
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- 1 | 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of 2 | Title 21 of the Oklahoma Statutes.
 - B. The prohibition in subsection A of this section shall not apply if:
 - 1. The school district employee is engaged in the routine transmission of administrative or personnel files;
 - 2. a. the behavior described in subsection A of this section has been reported to a law enforcement agency with jurisdiction over the alleged behavior, and
 - b. the matter has been officially closed or the district attorney or law enforcement agency with jurisdiction over the alleged behavior has investigated the allegations and notified the employing school district that there is insufficient information to establish probable cause that the school district employee engaged in behavior described in subsection A of this section;
 - 3. The school district employee has been charged with and acquitted or otherwise exonerated of the alleged behavior described in subsection A of this section; or
 - 4. The case or investigation remains open and there have been no charges filed against the school district employee and no indictment of the school district employee within four (4) years of

1	the date on which the behavior was reported to a law enforcement
2	agency.
3	C. In the event that loss of employment occurs as a result of
4	the commission of acts prohibited by this section, a school employee
5	shall be entitled to due process as provided for by Sections 6-
6	101.13, 6-101.26 and 6-101.46 of Title 70 of the Oklahoma Statutes.
7	SECTION 2. This act shall become effective July 1, 2017.
8	SECTION 3. It being immediately necessary for the preservation
9	of the public peace, health and safety, an emergency is hereby
10	declared to exist, by reason whereof this act shall take effect and
11	be in full force from and after its passage and approval.
12	COMMITTEE REPORT BY: COMMITTEE ON EDUCATION February 13, 2017 - DO PASS AS AMENDED
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