

1 0.0ENGROSSED HOUSE AMENDMENT  
TO

2 ENGROSSED SENATE BILL NO. 576

By: Kidd of the Senate

3 and

4 Conley of the House

5

6 An Act relating to school employees; amending Section  
7 2, Chapter 323, O.S.L. 2018 (70 O.S. Supp. 2018,  
8 Section 1210.163), which relates to reporting of  
9 potential abuse or neglect; directing certain report  
10 involving a child under certain age to be made to  
11 certain hotline; requiring allegations reported to a  
12 county office to be referred to certain hotline;  
13 directing certain report involving a child over  
14 certain age to be made to local law enforcement;  
15 providing an effective date; and declaring an  
16 emergency.

12

13 AUTHOR: Add the following House Coauthor: Branham

14 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill  
15 and replace with:

15

16 "An Act relating to school employees; amending 10A  
17 O.S. 2011, Section 1-2-101, as last amended by  
18 Section 5 of Enrolled Senate Bill No. 1041 of the  
19 1st Session of the 57th Oklahoma Legislature, which  
20 relates to child abuse or neglect reporting;  
21 modifying reporting requirements for school  
22 employee; requiring confidentiality for reports;  
23 amending Section 2, Chapter 323, O.S.L. 2018 (70  
24 O.S. Supp. 2018, Section 1210.163), which relates to  
reporting potential abuse or neglect; directing  
school employee to report suspected child abuse or  
neglect to Department of Human Services and local  
law enforcement; requiring allegations reported to a  
county office be referred to Department hotline;  
mandating report involving a student who is not a  
minor to be made to local law enforcement; directing  
law enforcement and school employee to keep

1 identifying information of reporter confidential;  
2 providing an effective date; and declaring an  
3 emergency.  
4

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

6 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-2-101, as  
7 last amended by Section 5 of Enrolled Senate Bill No. 1041 of the  
8 1st Session of the 57th Oklahoma Legislature, is amended to read as  
9 follows:

10 Section 1-2-101. A. 1. The Department of Human Services shall  
11 establish a statewide centralized hotline for the reporting of child  
12 abuse or neglect to the Department.

13 2. The Department shall provide hotline-specific training  
14 including, but not limited to, interviewing skills, customer service  
15 skills, narrative writing, necessary computer systems, making case  
16 determinations, and identifying priority situations.

17 3. The Department is authorized to contract with third parties  
18 in order to train hotline workers.

19 4. The Department shall develop a system to track the number of  
20 calls received, and of that number:

- 21 a. the number of calls screened out,
- 22 b. the number of referrals assigned,
- 23
- 24

1 c. the number of calls received by persons unwilling to  
2 disclose basic personal information including, but not  
3 limited to, first and last name, and

4 d. the number of calls in which the allegations were  
5 later found to be unsubstantiated or ruled out.

6 5. The Department shall electronically record each referral  
7 received by the hotline and establish a secure means of retaining  
8 the recordings for twelve (12) months. The recordings shall be  
9 confidential and subject to disclosure only if a court orders the  
10 disclosure of the referral. The Department shall redact any  
11 information identifying the reporting party unless otherwise ordered  
12 by the court.

13 B. 1. Every person having reason to believe that a child under  
14 the age of eighteen (18) years is a victim of abuse or neglect shall  
15 report the matter immediately to the Department of Human Services.  
16 Reports shall be made to the hotline provided for in subsection A of  
17 this section. Any allegation of abuse or neglect reported in any  
18 manner to a county office shall immediately be referred to the  
19 hotline by the Department. Provided, however, that in actions for  
20 custody by abandonment, provided for in Section 2-117 of Title 30 of  
21 the Oklahoma Statutes, there shall be no reporting requirement.

22 2. a. ~~Every teacher of any child under the age of eighteen~~  
23 ~~(18) years~~ school employee having reason to believe  
24 that a ~~child~~ student under the age of eighteen (18)

1 years is a victim of abuse or neglect shall report the  
2 matter immediately to the Department of Human Services  
3 and local law enforcement. Reports to the Department  
4 shall be made to the hotline provided for in  
5 subsection A of this section. Any allegation of abuse  
6 or neglect reported in any manner to a county office  
7 shall immediately be referred to the hotline by the  
8 Department. Provided, however, that in actions for  
9 custody by abandonment, provided for in Section 2-117  
10 of Title 30 of the Oklahoma Statutes, there shall be  
11 no reporting requirement, ~~and~~.

12 b. ~~every teacher of a student age eighteen (18) years or~~  
13 ~~older~~ Every school employee having reason to believe  
14 that a student age eighteen (18) years or older is a  
15 victim of abuse or neglect shall report the matter  
16 immediately to local law enforcement.

17 c. In reports required by subparagraph a or b of this  
18 paragraph, local law enforcement shall keep  
19 confidential and redact any information identifying  
20 the reporting school employee unless otherwise ordered  
21 by the court. A school employee with knowledge of a  
22 report required by subparagraph a or b of this  
23 paragraph shall not disclose information identifying  
24 the reporting school employee unless otherwise ordered

1                   by the court or as part of an investigation by local  
2                   law enforcement or the Department.

3           3. Every physician, surgeon, or other health care professional  
4 including doctors of medicine, licensed osteopathic physicians,  
5 residents and interns, or any other health care professional or  
6 midwife involved in the prenatal care of expectant mothers or the  
7 delivery or care of infants shall promptly report to the Department  
8 instances in which an infant tests positive for alcohol or a  
9 controlled dangerous substance. This shall include infants who are  
10 diagnosed with Neonatal Abstinence Syndrome or Fetal Alcohol  
11 Spectrum Disorder.

12           4. No privilege or contract shall relieve any person from the  
13 requirement of reporting pursuant to this section.

14           5. The reporting obligations under this section are individual,  
15 and no employer, supervisor, administrator, governing body or entity  
16 shall interfere with the reporting obligations of any employee or  
17 other person or in any manner discriminate or retaliate against the  
18 employee or other person who in good faith reports suspected child  
19 abuse or neglect, or who provides testimony in any proceeding  
20 involving child abuse or neglect. Any employer, supervisor,  
21 administrator, governing body or entity who discharges,  
22 discriminates or retaliates against the employee or other person  
23 shall be liable for damages, costs and attorney fees. If a child  
24 who is the subject of the report or other child is harmed by the

1 discharge, discrimination or retaliation described in this  
2 paragraph, the party harmed may file an action to recover damages,  
3 costs and attorney fees.

4 6. Every physician, surgeon, other health care professional or  
5 midwife making a report of abuse or neglect as required by this  
6 subsection or examining a child to determine the likelihood of abuse  
7 or neglect and every hospital or related institution in which the  
8 child was examined or treated shall provide, upon request, copies of  
9 the results of the examination or copies of the examination on which  
10 the report was based and any other clinical notes, x-rays,  
11 photographs, and other previous or current records relevant to the  
12 case to law enforcement officers conducting a criminal investigation  
13 into the case and to employees of the Department of Human Services  
14 conducting an investigation of alleged abuse or neglect in the case.

15 C. Any person who knowingly and willfully fails to promptly  
16 report suspected child abuse or neglect or who interferes with the  
17 prompt reporting of suspected child abuse or neglect may be reported  
18 to local law enforcement for criminal investigation and, upon  
19 conviction thereof, shall be guilty of a misdemeanor. Any person  
20 with prolonged knowledge of ongoing child abuse or neglect who  
21 knowingly and willfully fails to promptly report such knowledge may  
22 be reported to local law enforcement for criminal investigation and,  
23 upon conviction thereof, shall be guilty of a felony. For the  
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1 purposes of this paragraph, "prolonged knowledge" shall mean  
2 knowledge of at least six (6) months of child abuse or neglect.

3 D. 1. Any person who knowingly and willfully makes a false  
4 report pursuant to the provisions of this section or a report that  
5 the person knows lacks factual foundation may be reported to local  
6 law enforcement for criminal investigation and, upon conviction  
7 thereof, shall be guilty of a misdemeanor.

8 2. If a court determines that an accusation of child abuse or  
9 neglect made during a child custody proceeding is false and the  
10 person making the accusation knew it to be false at the time the  
11 accusation was made, the court may impose a fine, not to exceed Five  
12 Thousand Dollars (\$5,000.00) and reasonable attorney fees incurred  
13 in recovering the sanctions, against the person making the  
14 accusation. The remedy provided by this paragraph is in addition to  
15 paragraph 1 of this subsection or to any other remedy provided by  
16 law.

17 E. Nothing contained in this section shall be construed to  
18 exempt or prohibit any person from reporting any suspected child  
19 abuse or neglect pursuant to subsection B of this section.

20 SECTION 2. AMENDATORY Section 2, Chapter 323, O.S.L.  
21 2018 (70 O.S. Supp. 2018, Section 1210.163), is amended to read as  
22 follows:

23 Section 1210.163 A. ~~A school employee who has reason to~~  
24 ~~believe that a student is a victim of abuse or neglect shall report~~

1 ~~the matter promptly to the Department of Human Services and to local~~  
2 ~~law enforcement. Reports to the Department of Human Services shall~~  
3 ~~be made via the hotline provided for in subsection A of Section 1-2-~~  
4 ~~101 of Title 10A of the Oklahoma Statutes~~ Every school employee  
5 having reason to believe that a student under the age of eighteen  
6 (18) years is a victim of abuse or neglect shall report the matter  
7 immediately to the Department of Human Services and local law  
8 enforcement. Reports to the Department shall be made to the hotline  
9 provided for in Section 1-2-101 of Title 10A of the Oklahoma  
10 Statutes. Any allegation of abuse or neglect reported in any manner  
11 to a county office shall immediately be referred to the hotline by  
12 the Department.

13 B. Every school employee having reason to believe that a  
14 student age eighteen (18) years or older is a victim of abuse or  
15 neglect shall report the matter immediately to local law  
16 enforcement.

17 C. In reports required by subsection A or B of this section,  
18 local law enforcement shall keep confidential and redact any  
19 information identifying the reporting school employee unless  
20 otherwise ordered by the court. A school employee with knowledge of  
21 a report required by subsection A or B of this section shall not  
22 disclose information identifying the reporting school employee  
23 unless otherwise ordered by the court or as part of an investigation  
24 by local law enforcement or the Department.



1        D. For the purposes of this section, "child abuse and neglect"  
2 shall include, but not be limited to:

3        1. Child abuse as defined in Section 843.5 of Title 21 of the  
4 Oklahoma Statutes;

5        2. Sexual abuse or sexual exploitation as defined in Section 1-  
6 1-105 of Title 10A of the Oklahoma Statutes;

7        3. Contributing to the delinquency of a minor as defined in  
8 Section 856 of Title 21 of the Oklahoma Statutes;

9        4. Trafficking in children, as defined in Section 866 of Title  
10 21 of the Oklahoma Statutes;

11       5. Incest as described in Section 885 of Title 21 of the  
12 Oklahoma Statutes;

13       6. Forcible sodomy, as described in Section 888 of Title 21 of  
14 the Oklahoma Statutes;

15       7. Maliciously, forcibly or fraudulently taking or enticing a  
16 child away, as described in Section 891 of Title 21 of the Oklahoma  
17 Statutes;

18       8. Soliciting or aiding a minor child to perform or showing,  
19 exhibiting, loaning or distributing obscene material or child  
20 pornography, as described in Section 1021 of Title 21 of the  
21 Oklahoma Statutes;

22       9. Procuring or causing the participation of any minor child in  
23 any child pornography or knowingly possessing, procuring or  
24

1 manufacturing child pornography, as described in Section 1021.2 of  
2 Title 21 of the Oklahoma Statutes;

3 10. Permitting or consenting to the participation of a minor  
4 child in any child pornography, as described in Section 1021.3 of  
5 Title 21 of the Oklahoma Statutes;

6 11. Facilitating, encouraging, offering or soliciting sexual  
7 conduct with a minor, as described in Section 1040.13a of Title 21  
8 of the Oklahoma Statutes;

9 12. Offering or offering to secure a minor child for the  
10 purposes of prostitution or any other lewd or indecent act, as  
11 described in Section 1087 of Title 21 of the Oklahoma Statutes;

12 13. Causing, inducing, persuading or encouraging a minor child  
13 to engage or continue to engage in prostitution, as described in  
14 Section 1088 of Title 21 of the Oklahoma Statutes;

15 14. Rape or rape by instrumentation, as described in Sections  
16 1111.1 and 1114 of Title 21 of the Oklahoma Statutes; and

17 15. Making any oral, written or electronically or computer-  
18 generated lewd or indecent proposals to a minor child under the age  
19 of sixteen (16) as described in Section 1123 of Title 21 of the  
20 Oklahoma Statutes.

21 SECTION 3. This act shall become effective July 1, 2019.

22 SECTION 4. It being immediately necessary for the preservation  
23 of the public peace, health or safety, an emergency is hereby  
24

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval."

3 Passed the House of Representatives the 25th day of April, 2019.

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6 Presiding Officer of the House of  
7 Representatives

8 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2019.

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11 Presiding Officer of the Senate  
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1 ENGROSSED SENATE  
2 BILL NO. 576

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12 county office to be referred to certain hotline;  
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14 certain age to be made to local law enforcement;  
15 providing an effective date; and declaring an  
16 emergency.

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

18 SECTION 5. AMENDATORY Section 2, Chapter 323, O.S.L.  
19 2018 (70 O.S. Supp. 2018, Section 1210.163), is amended to read as  
20 follows:  
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22 Section 1210.163. A. ~~A school employee who has reason to~~  
23 ~~believe that a student is a victim of abuse or neglect shall report~~  
24 ~~the matter promptly to the Department of Human Services and to local~~  
~~law enforcement. Reports to the Department of Human Services shall~~  
~~be made via the hotline provided for in subsection A of Section 1-2-~~  
~~101 of Title 10A of the Oklahoma Statutes~~ Every school employee  
having reason to believe that a child under the age of eighteen (18)

1 is a victim of abuse or neglect shall report the matter immediately  
2 to the Department of Human Services. Reports shall be made to the  
3 hotline provided for in Section 1-2-101 of Title 10A of the Oklahoma  
4 Statutes. Any allegation of abuse or neglect reported in any manner  
5 to a county office shall immediately be referred to the hotline by  
6 the Department.

7 B. Every school employee having reason to believe that a  
8 student age eighteen (18) or older is a victim of abuse or neglect  
9 shall report the matter immediately to local law enforcement.

10 C. For the purposes of this section, "child abuse and neglect"  
11 shall include, but not be limited to:

12 1. Child abuse as defined in Section 843.5 of Title 21 of the  
13 Oklahoma Statutes;

14 2. Sexual abuse or sexual exploitation as defined in Section 1-  
15 1-105 of Title 10A of the Oklahoma Statutes;

16 3. Contributing to the delinquency of a minor as defined in  
17 Section 856 of Title 21 of the Oklahoma Statutes;

18 4. Trafficking in children, as defined in Section 866 of Title  
19 21 of the Oklahoma Statutes;

20 5. Incest as described in Section 885 of Title 21 of the  
21 Oklahoma Statutes;

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2 child away, as described in Section 891 of Title 21 of the Oklahoma  
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6 pornography, as described in Section 1021 of Title 21 of the  
7 Oklahoma Statutes;

8        9. Procuring or causing the participation of any minor child in  
9 any child pornography or knowingly possessing, procuring or  
10 manufacturing child pornography, as described in Section 1021.2 of  
11 Title 21 of the Oklahoma Statutes;

12       10. Permitting or consenting the participation of a minor child  
13 in any child pornography, as described in Section 1021.3 of Title 21  
14 of the Oklahoma Statutes;

15       11. Facilitating, encouraging, offering or soliciting sexual  
16 conduct with a minor, as described in Section 1040.13a of Title 21  
17 of the Oklahoma Statutes;

18       12. Offering or offering to secure a minor child for the  
19 purposes of prostitution or any other lewd or indecent act, as  
20 described in Section 1087 of Title 21 of the Oklahoma Statutes;

21       13. Causing, inducing, persuading or encouraging a minor child  
22 to engage or continue to engage in prostitution, as described in  
23 Section 1088 of Title 21 of the Oklahoma Statutes;

14. Rape or rape by instrumentation, as described in Sections 1111.1 and 1114 of Title 21 of the Oklahoma Statutes; and

15. Making any oral, written or electronically or computer-generated lewd or indecent proposals to a minor child under the age of sixteen (16) as described in Section 1123 of Title 21 of the Oklahoma Statutes.

SECTION 6. This act shall become effective July 1, 2019.

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

Passed the Senate the 13th day of March, 2019.

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2019.

Presiding Officer of the House  
of Representatives