

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 2604

By: Echols

7 AS INTRODUCED

8 An Act relating to children; amending 10A O.S. 2011,
9 Section 1-2-108, as amended by Section 1, Chapter 29,
10 O.S.L. 2015 (10A O.S. Supp. 2018, Section 1-2-108),
11 which relates to the Department of Human Services
12 statewide central registry; directing Department to
13 create a perpetrator registry; specifying date for
14 registry creation; listing contents of registry;
15 requiring notice be given to perpetrator; providing
16 for administrative hearing to review decision;
17 requiring removal if perpetrator poses no risk of
18 harm or threatened harm to children; prescribing
19 confidentiality of registry; authorizing disclosure
20 of registry information to employer or volunteer
21 organization; limiting information for disclosure;
22 directing Department to promulgate rules for
23 registry; and providing an effective date.

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

20 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-2-108, as
21 amended by Section 1, Chapter 29, O.S.L. 2015 (10A O.S. Supp. 2018,
22 Section 1-2-108), is amended to read as follows:

23 Section 1-2-108 A. There is hereby established within the
24 Department of Human Services an information system for the

1 maintenance of all reports of child abuse, sexual abuse, sexual
2 exploitation, and neglect made pursuant to the provisions of the
3 Oklahoma Children's Code.

4 B. The Children and Family Services Division of the Department
5 shall be responsible for maintaining a suitably cross-indexed system
6 of all the reports.

7 C. The records maintained shall contain, but shall not be
8 limited to:

9 1. All information in the written report required by Section 1-
10 2-101 of this title;

11 2. A record of the final disposition of the report including
12 services offered and services accepted;

13 3. The plan for rehabilitative treatment; and

14 4. Any other relevant information.

15 D. Data and information maintained and related to individual
16 cases shall be confidential ~~and shall be made available only~~ except
17 as authorized by state or federal law.

18 E. The ~~Commission for~~ Department of Human Services shall
19 promulgate rules governing the availability of such data and
20 information.

21 F. Rules promulgated by the ~~Commission~~ Department shall
22 encourage cooperation with other states in exchanging reports in
23 order to effect a national registration system.

1 G. No person shall allow the data and information maintained to
2 be released except as authorized by ~~Chapter VI of the Oklahoma~~
3 ~~Children's Code~~ law.

4 H. Records obtained by the Department shall be maintained by
5 the Department until otherwise provided by law.

6 I. Beginning January 1, 2020, the Department shall create a
7 perpetrator registry which shall contain records of all reports in
8 which allegations of child abuse, sexual abuse, sexual exploitation
9 and neglect made on or after January 1, 2020, pursuant to the
10 Oklahoma Children's Code are determined after investigation to be
11 substantiated.

12 1. The perpetrator registry shall identify the perpetrator of
13 each substantiated report of child abuse, sexual abuse, sexual
14 exploitation or neglect and shall include the name, date of birth,
15 address and other identifying information of the perpetrator. The
16 Department shall notify the perpetrator that his or her information
17 is being added to the perpetrator registry and the perpetrator may
18 request an administrative hearing within thirty (30) days to review
19 the decision. If the hearing officer determines the perpetrator
20 poses no risk of harm or threatened harm to the health or safety of
21 a child, the perpetrator's information shall be removed from the
22 registry.

23 2. Information placed in the perpetrator registry shall be
24 confidential and may only be disclosed to an employer or volunteer

1 organization for purposes of screening an applicant, employee or
2 volunteer who is or who will be coming into contact with children in
3 the course of employment or volunteering. The information subject
4 to disclosure to an employer or volunteer organization is limited
5 to:

- 6 a. confirmation that the applicant, employee or volunteer
7 has a substantiated report,
- 8 b. the date the investigation was completed, and
- 9 c. the type of substantiated report.

10 3. The Department shall promulgate rules necessary to create a
11 perpetrator registry pursuant to this subsection.

12 SECTION 2. This act shall become effective November 1, 2019.

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14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/20/2019 - DO
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