

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 2661

By: Echols

AS INTRODUCED

An Act relating to children; creating the Harris Richardson Act; amending 10A O.S. 2011, Section 1-2-108, as amended by Section 1, Chapter 29, O.S.L. 2015 (10A O.S. Supp. 2020, Section 1-2-108), which relates to the Department of Human Services statewide central registry; directing Department to create a perpetrator registry; specifying date for registry creation; listing contents of registry; requiring notice be given to perpetrator; providing for administrative hearing to review decision; requiring removal if perpetrator poses no risk of harm or threatened harm to children; prescribing confidentiality of registry; authorizing disclosure of registry information to employer or volunteer organization; limiting information for disclosure; directing Department to promulgate rules for registry; providing for noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Harris Richardson Act".

1       SECTION 2.       AMENDATORY       10A O.S. 2011, Section 1-2-108, as  
2 amended by Section 1, Chapter 29, O.S.L. 2015 (10A O.S. Supp. 2020,  
3 Section 1-2-108), is amended to read as follows:

4       Section 1-2-108. A. There is hereby established within the  
5 Department of Human Services an information system for the  
6 maintenance of all reports of child abuse, sexual abuse, sexual  
7 exploitation, and neglect made pursuant to the provisions of the  
8 Oklahoma Children's Code.

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

12       C. The records maintained shall contain, but shall not be  
13 limited to:

14       1. All information in the written report required by Section 1-  
15 2-101 of this title;

16       2. A record of the final disposition of the report including  
17 services offered and services accepted;

18       3. The plan for rehabilitative treatment; and

19       4. Any other relevant information.

20       D. Data and information maintained and related to individual  
21 cases shall be confidential ~~and shall be made available only~~ except  
22 as authorized by state or federal law.  
23  
24

1 E. ~~The Commission for Human Services~~ Department shall  
2 promulgate rules governing the availability of such data and  
3 information.

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

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

10 H. Records obtained by the Department shall be maintained by  
11 the Department until otherwise provided by law.

12 I. Beginning January 1, 2022, the Department shall create a  
13 perpetrator registry which shall contain records of all reports in  
14 which allegations of child abuse, sexual abuse, sexual exploitation  
15 and neglect made on or after January 1, 2022, pursuant to the  
16 Oklahoma Children's Code are determined to be substantiated after  
17 investigation.

18 1. The perpetrator registry shall identify the perpetrator of  
19 each substantiated report of child abuse, sexual abuse, sexual  
20 exploitation or neglect and shall include the name, date of birth,  
21 address and other identifying information of the perpetrator. The  
22 Department shall notify the perpetrator that his or her information  
23 is being added to the perpetrator registry and the perpetrator may  
24 request an administrative hearing within thirty (30) days to review

1 the decision. If the hearing officer determines the perpetrator  
2 poses no risk of harm or threatened harm to the health or safety of  
3 a child, the perpetrator's information shall be removed from the  
4 registry.

5 2. Information placed in the perpetrator registry shall be  
6 confidential and may only be disclosed to an employer or volunteer  
7 organization for purposes of screening an applicant, employee or  
8 volunteer who is or will be coming into contact with children in the  
9 course of employment or volunteering. The information subject to  
10 disclosure to an employer or volunteer organization shall be limited  
11 to:

- 12 a. confirmation that the applicant, employee or volunteer  
13 has a substantiated report,  
14 b. the date the investigation was completed, and  
15 c. the type of substantiated report.

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

18 SECTION 3. This act shall become effective November 1, 2021.

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