

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1417

By: Rader

AS INTRODUCED

An Act relating to child abuse; amending Section 3, Chapter 366, O.S.L. 2024 (21 O.S. Supp. 2025, Section 20C), which relates to Class A1 offenses; conforming statutory reference; updating statutory references and language; amending 21 O.S. 2021, Section 843.5, as last amended by Section 8, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025, Section 843.5), which relates to abuse, neglect, exploitation, or sexual abuse of a child; modifying scope of certain offenses; modifying certain penalty provisions; providing certain affirmative defense; providing for certain retroactivity; construing provisions; defining terms; conforming language; updating statutory language and references; repealing 21 O.S. 2021, Section 843.5, as amended by Section 6, Chapter 59, O.S.L. 2024 (21 O.S. Supp. 2025, Section 843.5), which relates to abuse, neglect, exploitation, or sexual abuse of a child; repealing 21 O.S. 2021, Section 843.5, as last amended by Section 1, Chapter 281, O.S.L. 2025 (21 O.S. Supp. 2025, Section 843.5), which relates to abuse, neglect, exploitation, or sexual abuse of a child; and providing an effective date.

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

SECTION 1. AMENDATORY Section 3, Chapter 366, O.S.L. 2024 (21 O.S. Supp. 2025, Section 20C), is amended to read as follows:

1 Section 20C. A. ~~Upon the effective date of this act~~ On or
2 after January 1, 2026, Class A1 shall include the following criminal
3 offenses:

4 1. Domestic abuse committed against a pregnant woman with
5 knowledge of the pregnancy and a miscarriage occurs or injury to the
6 unborn child, as provided for in subsection E of Section 644 of
7 ~~Title 21 of the Oklahoma Statutes~~ this title;

8 2. Administering poison with intent to kill, as provided for in
9 Section 651 of ~~Title 21 of the Oklahoma Statutes~~ this title;

10 3. Second degree murder, as provided for in paragraph 1 of
11 Section 701.8 of ~~Title 21 of the Oklahoma Statutes~~ this title;

12 4. Second degree murder by a person engaged in the commission
13 of a felony, as provided for in paragraph 2 of Section 701.8 of
14 ~~Title 21 of the Oklahoma Statutes~~ this title;

15 5. Kidnapping for the purpose of extorting money, as provided
16 for in subsection A of Section 745 of ~~Title 21 of the Oklahoma~~
17 ~~Statutes~~ this title;

18 6. Sexual abuse of a child under twelve (12) years of age, as
19 provided for in subsection F of Section 843.5 of ~~Title 21 of the~~
20 ~~Oklahoma Statutes~~ this title;

21 7. Sexual exploitation of a child under twelve (12) years of
22 age, as provided for in subsection I of Section 843.5 of ~~Title 21 of~~
23 ~~the Oklahoma Statutes~~ this title;

1 8. Sexual abuse of a child under fourteen (14) years of age
2 ~~subsequent to a previous conviction of sexual abuse of a child under~~
3 ~~fourteen (14) years of age,~~ as provided for in subsection K of
4 Section 843.5 of ~~Title 21 of the Oklahoma Statutes~~ this title;

5 9. Soliciting or aiding a minor to perform an obscene act, as
6 provided for in paragraph 1 of subsection B of Section 1021 of ~~Title~~
7 ~~21 of the Oklahoma Statutes~~ this title;

8 10. Showing, exhibiting, loaning, or distributing to a minor
9 child obscene material or child pornography for purposes of inducing
10 the minor to participate in an obscene act, as provided for in
11 paragraph 2 of subsection B of Section 1021 of ~~Title 21 of the~~
12 ~~Oklahoma Statutes~~ this title;

13 11. Murder, maiming, robbery, rape, or arson committed in the
14 course of a riot, as provided for in paragraph 1 of Section 1312 of
15 ~~Title 21 of the Oklahoma Statutes~~ this title;

16 12. Burglary by the aid or use of any explosive, as provided
17 for in Section 1441 of ~~Title 21 of the Oklahoma Statutes~~ this title;

18 13. ~~Place~~ Placing, ~~manufacture~~ manufacturing, ~~possess~~
19 possessing, ~~display~~ displaying, or ~~threaten~~ threatening to use any
20 explosive or incendiary device and personal injury results, as
21 provided for in Section 1767.1 of ~~Title 21 of the Oklahoma Statutes~~
22 this title;

1 14. Aggravated manufacturing of a controlled dangerous
2 substance, as provided for in paragraph 3 of subsection G of Section
3 2-401 of Title 63 of the Oklahoma Statutes; and

4 15. Using any explosive or blasting agent to kill, injure, or
5 intimidate any person or to damage any real or personal property and
6 personal injury results, as provided for in subsection B of Section
7 124.8 of Title 63 of the Oklahoma Statutes.

8 B. Any person convicted of a Class A1 criminal offense set
9 forth in this section shall be punished in accordance with the
10 corresponding penalties provided for in the Oklahoma Statutes.

11 SECTION 2. AMENDATORY 21 O.S. 2021, Section 843.5, as
12 last amended by Section 8, Chapter 486, O.S.L. 2025 (21 O.S. Supp.
13 2025, Section 843.5), is amended to read as follows:

14 Section 843.5. A. Any person who shall willfully or
15 maliciously engage in child abuse, as defined in this section,
16 shall, upon conviction, be guilty of a Class A3 felony offense
17 punishable by imprisonment in the custody of the Department of
18 Corrections for a term not exceeding life imprisonment, or by
19 imprisonment in a county jail for a term not exceeding one (1) year,
20 or by a fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor
21 more than Five Thousand Dollars (\$5,000.00), or by both such ~~fine~~
22 imprisonment and imprisonment fine.

23 B. Any person responsible for the health, safety, or welfare of
24 a child who shall willfully or maliciously engage in enabling child
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1 abuse, as defined in this section, shall, upon conviction, be guilty
2 of a Class A3 felony offense ~~and shall be punished~~ punishable by
3 imprisonment in the custody of the Department of Corrections for a
4 term not exceeding ~~life imprisonment~~ fifteen (15) years, or by
5 imprisonment in a county jail for a term not exceeding one (1) year,
6 or by a fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor
7 more than Five Thousand Dollars (\$5,000.00), or by both such ~~fine~~
8 imprisonment and ~~imprisonment~~ fine.

9 C. Any person responsible for the health, safety, or welfare of
10 a child who shall willfully or maliciously engage in child neglect,
11 as defined in this section, shall, upon conviction, be guilty of a
12 Class B1 felony offense ~~and shall be punished~~ punishable by
13 imprisonment in the custody of the Department of Corrections for a
14 term not exceeding life imprisonment, or by imprisonment in a county
15 jail for a term not exceeding one (1) year, or by a fine ~~of~~ not less
16 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
17 Dollars (\$5,000.00), or by both such ~~fine~~ imprisonment and
18 ~~imprisonment~~ fine.

19 D. Any parent or other person who shall willfully or
20 maliciously engage in enabling child neglect shall, upon conviction,
21 be guilty of a Class B1 felony offense ~~and shall be punished~~
22 punishable by imprisonment in the custody of the Department of
23 Corrections for a term not exceeding ~~life imprisonment~~ fifteen (15)
24 years, or by imprisonment in a county jail for a term not exceeding

1 one (1) year, or by a fine ~~of~~ not less than Five Hundred Dollars
2 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by
3 both such ~~fine~~ imprisonment and ~~imprisonment~~ fine.

4 E. Any person responsible for the health, safety, or welfare of
5 a child who shall willfully or maliciously engage in child sexual
6 abuse, as defined in this section, shall, upon conviction, be guilty
7 of a Class A3 felony offense ~~and shall be punished~~ punishable by
8 imprisonment in the custody of the Department of Corrections for a
9 term not exceeding life imprisonment, or by imprisonment in a county
10 jail for a term not exceeding one (1) year, or by a fine ~~of~~ not less
11 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
12 Dollars (\$5,000.00), or by both such ~~fine~~ imprisonment and
13 ~~imprisonment~~ fine, except as provided in Section 51.1a of this title
14 or as otherwise provided in subsection F of this section for a child
15 victim under twelve (12) years of age. Except for persons sentenced
16 to life or life without parole, any person sentenced to imprisonment
17 for two (2) years or more for a violation of this subsection shall
18 be required to serve a term of post-imprisonment supervision
19 pursuant to subparagraph f of paragraph 1 of subsection A of Section
20 991a of Title 22 of the Oklahoma Statutes under conditions
21 determined by the Department of Corrections. The jury shall be
22 advised that the mandatory post-imprisonment supervision shall be in
23 addition to the actual imprisonment.

1 F. Any person responsible for the health, safety, or welfare of
2 a child who shall willfully or maliciously engage in child sexual
3 abuse, as defined in this section, to a child under twelve (12)
4 years of age shall, upon conviction, be guilty of a Class A1 felony
5 offense ~~and shall be punished~~ punishable by imprisonment in the
6 custody of the Department of Corrections for a term not less than
7 twenty-five (25) years nor more than life imprisonment, and by a
8 fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor more than
9 Five Thousand Dollars (\$5,000.00).

10 G. Any parent or other person who shall willfully or
11 maliciously engage in enabling child sexual abuse shall, upon
12 conviction, be guilty of a Class A3 felony offense ~~and shall be~~
13 ~~punished~~ punishable by imprisonment in the custody of the Department
14 of Corrections for a term not exceeding life imprisonment, or by
15 imprisonment in a county jail for a term not exceeding one (1) year,
16 or by a fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor
17 more than Five Thousand Dollars (\$5,000.00), or by both such ~~fine~~
18 imprisonment and ~~imprisonment~~ fine.

19 H. Any person who shall willfully or maliciously engage in
20 child sexual exploitation, as defined in this section, shall, upon
21 conviction, be guilty of a Class A3 felony offense ~~and shall be~~
22 ~~punished~~ punishable by imprisonment in the custody of the Department
23 of Corrections for a term not exceeding life imprisonment, or by
24 imprisonment in a county jail for a term not exceeding one (1) year,

1 or by a fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor
2 more than Five Thousand Dollars (\$5,000.00), or by both such ~~fine~~
3 imprisonment and ~~imprisonment~~ fine, except as provided in subsection
4 I of this section for a child victim under twelve (12) years of age.
5 Except for persons sentenced to life or life without parole, any
6 person sentenced to imprisonment for two (2) years or more for a
7 violation of this subsection shall be required to serve a term of
8 post-imprisonment supervision pursuant to subparagraph f of
9 paragraph 1 of subsection A of Section 991a of Title 22 of the
10 Oklahoma Statutes under conditions determined by the Department of
11 Corrections. The jury shall be advised that the mandatory post-
12 imprisonment supervision shall be in addition to the actual
13 imprisonment.

14 I. Any person who shall willfully or maliciously engage in
15 child sexual exploitation, as defined in this section, of a child
16 under twelve (12) years of age shall, upon conviction, be guilty of
17 a Class A1 felony offense ~~and shall be punished~~ punishable by
18 imprisonment in the custody of the Department of Corrections for a
19 term not less than twenty-five (25) years nor more than life
20 imprisonment, ~~and~~ and by a fine ~~of~~ not less than Five Hundred Dollars
21 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00).

22 J. Any person responsible for the health, safety, or welfare of
23 a child who shall willfully or maliciously engage in enabling child
24 sexual exploitation, as defined in this section, shall, upon

1 conviction, be guilty of a Class A3 felony offense ~~and shall be~~
2 ~~punished~~ punishable by imprisonment in the custody of the Department
3 of Corrections for a term not exceeding life imprisonment, or by
4 imprisonment in a county jail for a term not exceeding one (1) year,
5 or by a fine ~~of~~ not less than Five Hundred Dollars (\$500.00) nor
6 more than Five Thousand Dollars (\$5,000.00), or by both such ~~fine~~
7 imprisonment and imprisonment fine.

8 K. ~~Notwithstanding~~ In addition to any other ~~provision of~~
9 punishment prescribed by law, any person convicted of forcible anal
10 or oral sodomy, rape, or rape by instrumentation, ~~or lewd~~
11 ~~molestation of a child under fourteen (14) years of age subsequent~~
12 ~~to a previous conviction for any offense of forcible anal or oral~~
13 ~~sodomy, rape, rape by instrumentation, or lewd molestation of a~~
14 ~~child under fourteen (14) years of age~~ shall be guilty of a Class A1
15 felony offense ~~and shall be punished~~ punishable by death or by
16 imprisonment for life without parole.

17 L. Provided, however, that nothing contained in this section
18 shall prohibit any parent or guardian from using reasonable and
19 ordinary force pursuant to Section 844 of this title.

20 M. Consent shall not be a defense for any violation provided
21 for in this section.

22 N. Notwithstanding the age requirements of other statutes
23 referenced within this section, this section shall apply to any
24 child under eighteen (18) years of age.

1 O. It is an affirmative defense to subsections B and D of this
2 section if the accused:

3 1. Had a reasonable apprehension that any action to stop the
4 abuse or neglect would result in substantial bodily harm to the
5 accused or the child;

6 2. Experienced domestic violence resulting in substantial
7 bodily harm, or mental or emotional injury which impaired the
8 ability of the accused to take action to stop the child abuse or
9 neglect; or

10 3. Voluntarily took immediate steps to end the abuse or neglect
11 of the child, including prompt notification of a certified domestic
12 violence service provider, family justice center, medical provider,
13 or law enforcement authority.

14 P. The penalties provided in subsections B and D of this
15 section shall be retroactive. Any person who committed an offense
16 provided in subsection B or D of this section, before November 1,
17 2026, may institute an application for post-conviction relief
18 pursuant to paragraph 3 of Section 1080 of Title 22 of the Oklahoma
19 Statutes. Nothing in this subsection shall be construed to create a
20 civil cause of action related to a change in the law governing an
21 applicant's conviction.

22 Q. As used in this section:

23 1. "Child abuse" means:
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1 a. the willful or malicious harm or threatened harm ~~or~~
2 ~~failure to protect from harm or threatened harm~~ to the
3 health, safety, or welfare of a child under eighteen
4 (18) years of age by a person responsible for a
5 child's health, safety, or welfare, or

6 b. the act of willfully or maliciously injuring,
7 torturing or maiming a child under eighteen (18) years
8 of age by any person;

9 2. "Child neglect" means ~~the~~ a willful or malicious neglect, as
10 ~~defined by Section 1-1-105 of Title 10A of the Oklahoma Statutes, of~~
11 ~~a child under eighteen (18) years of age by a person responsible for~~
12 ~~a child's health, safety or welfare~~ act or failure to act by a
13 person responsible for a child's health, safety, or welfare that
14 evidences the person's blatant disregard for the consequences of the
15 act or failure to act, resulting in harm or threatened harm to the
16 child or creating an immediate danger to the child's physical health
17 or safety. This includes failing to provide basic necessities like
18 food, clothing, shelter, medical care, or supervision;

19 3. "Child sexual abuse" means the willful or malicious sexual
20 abuse of a child under eighteen (18) years of age by a person
21 responsible for a child's health, safety, or welfare and includes,
22 but is not limited to:

23 a. sexual intercourse,
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- b. penetration of the vagina or anus, however slight, by an inanimate object or any part of the human body not amounting to sexual intercourse,
- c. sodomy,
- d. incest, or
- e. a lewd act or proposal, as defined in this section;

4. "Child sexual exploitation" means the willful or malicious sexual exploitation of a child under eighteen (18) years of age by another and includes, but is not limited to:

- a. human trafficking, as provided for in Section 748 of this title, if the offense involved child trafficking for commercial sex,
- b. trafficking in children, as provided for in Section 866 of this title, if the offense was committed for the sexual gratification of any person,
- c. procuring or causing the participation of a minor in child ~~pornography~~ sexual abuse material, as provided for in Section 1021.2 of this title,
- d. purchase, procurement, or possession of child ~~pornography~~ sexual abuse material, as provided for in Section 1024.2 of this title,
- e. engaging in or soliciting prostitution, as provided for in Section 1029 of this title, if the offense involved child sex trafficking,

- 1 f. publication, distribution, or participation in the
2 preparation of obscene material, as provided for in
3 Section 1040.8 of this title, if the offense involved
4 child ~~pornography~~ sexual abuse material,
5 g. aggravated possession of child ~~pornography~~ sexual
6 abuse material, as provided for in Section 1040.12a of
7 this title,
8 h. sale or distribution of obscene material, as provided
9 for in Section 1040.13 of this title,
10 i. soliciting sexual conduct or communication with a
11 minor by use of technology, as provided for in Section
12 1040.13a of this title,
13 j. offering or transporting a child for purposes of child
14 sex trafficking, as provided for in Section 1087 of
15 this title, and
16 k. child sex trafficking, as provided for in Section 1088
17 of this title;

18 5. "Enabling child abuse" means the causing, procuring, or
19 permitting of child abuse by a person responsible for a child's
20 health, safety, or welfare;

21 6. "Enabling child neglect" means the causing, procuring, or
22 permitting of child neglect by a person responsible for a child's
23 health, safety, or welfare;
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1 7. "Enabling child sexual abuse" means the causing, procuring,
2 or permitting of child sexual abuse by a person responsible for a
3 child's health, safety, or welfare;

4 8. "Enabling child sexual exploitation" means the causing,
5 procuring, or permitting of child sexual exploitation by a person
6 responsible for a child's health, safety, or welfare;

7 9. "Incest" means marrying, committing adultery, or fornicating
8 with a child by a person responsible for the health, safety, or
9 welfare of a child;

10 10. "Lewd act or proposal" means:

- 11 a. making any oral, written, or electronic or computer-
12 generated lewd or indecent proposal to a child for the
13 child to have unlawful sexual relations or sexual
14 intercourse with any person,
- 15 b. looking upon, touching, mauling, or feeling the body
16 or private parts of a child in a lewd or lascivious
17 manner or for the purpose of sexual gratification,
- 18 c. asking, inviting, enticing, or persuading any child to
19 go alone with any person to a secluded, remote, or
20 secret place for a lewd or lascivious purpose,
- 21 d. urinating or defecating upon a child or causing,
22 forcing, or requiring a child to defecate or urinate
23 upon the body or private parts of another person for
24 the purpose of sexual gratification,

- e. ejaculating upon or in the presence of a child,
- f. causing, exposing, forcing, or requiring a child to look upon the body or private parts of another person for the purpose of sexual gratification,
- g. causing, forcing, or requiring any child to view any obscene materials, child ~~pornography~~ sexual abuse material or materials deemed harmful to minors as such terms are defined in Sections 1024.1 and 1040.75 of this title,
- h. causing, exposing, forcing, or requiring a child to look upon sexual acts performed in the presence of the child for the purpose of sexual gratification, or
- i. causing, forcing, or requiring a child to touch or feel the body or private parts of the child or another person for the purpose of sexual gratification;

11. "Permit" means to authorize or allow for the care of a child by an individual when the person authorizing or allowing such care knows or reasonably should know that the child will be placed at risk of the conduct or harm proscribed by this section;

12. "Person responsible for a child's health, safety, or welfare" for purposes of this section shall include, but not be limited to:

- a. the parent of the child,
- b. the legal guardian of the child,

- c. the custodian of the child,
- d. the foster parent of the child,
- e. a person eighteen (18) years of age or older with whom the parent of the child cohabitates, who is at least three (3) years older than the child,
- f. any other person eighteen (18) years of age or older residing in the home of the child, who is at least three (3) years older than the child,
- g. an owner, operator, agent, employee, or volunteer of a public or private residential home, institution, facility, or day treatment program, as defined in Section 175.20 of Title 10 of the Oklahoma Statutes, that the child attended,
- h. an owner, operator, agent, employee, or volunteer of a child care facility, as defined in Section 402 of Title 10 of the Oklahoma Statutes, that the child attended,
- i. an intimate partner of the parent of the child, as defined in Section 60.1 of Title 22 of the Oklahoma Statutes, or
- j. a person who has voluntarily accepted responsibility for the care or supervision of a child;

13. "Sexual intercourse" means the actual penetration, however slight, of the vagina or anus by the penis; and

1 14. "Sodomy" means:

- 2 a. penetration, however slight, of the mouth of the child
3 by a penis,
4 b. penetration, however slight, of the vagina of a person
5 responsible for a child's health, safety, or welfare,
6 by the mouth of a child,
7 c. penetration, however slight, of the mouth of the
8 person responsible for a child's health, safety, or
9 welfare by the penis of the child, or
10 d. penetration, however slight, of the vagina of the
11 child by the mouth of the person responsible for a
12 child's health, safety, or welfare.

13 SECTION 3. REPEALER 21 O.S. 2021, Section 843.5, as
14 amended by Section 6, Chapter 59, O.S.L. 2024 (21 O.S. Supp. 2025,
15 Section 843.5), is hereby repealed.

16 SECTION 4. REPEALER 21 O.S. 2021, Section 843.5, as last
17 amended by Section 1, Chapter 281, O.S.L. 2025 (21 O.S. Supp. 2025,
18 Section 843.5), is hereby repealed.

19 SECTION 5. This act shall become effective November 1, 2026.
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