

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 599

By: Hamilton, Burns, Bullard,
Prieto, Deevers,
3 Standridge, McIntosh,
4 Grellner, Wingard, Hines,
Woods, Sacchieri, Murdock,
5 Bergstrom, Frix, and
Guthrie of the Senate

6 and

7 Turner of the House

8

9

10 An Act relating to crimes and punishments; amending
21 O.S. 2021, Section 843.5, as amended by Section 2,
Chapter 151, O.S.L. 2024 (21 O.S. Supp. 2024, Section
11 843.5), which relates to child sexual abuse;
12 modifying requirements for imposition of certain
punishments; and providing an effective date.

13

14 AUTHORS: Add the following House Coauthors: Manger, Maynard,
15 Bashore, Wilk, Adams, Pfeiffer, Banning, Eaves, and
Fetgatter

16

17 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
18 and insert:

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20

21 "An Act relating to crimes and punishments; amending
21 O.S. 2021, Section 843.5, as last amended by
22 Section 2, Chapter 151, O.S.L. 2024 (21 O.S. Supp.
2024, Section 843.5), which relates to child abuse;
23 modifying scope of certain unlawful act; amending 21
O.S. 2021, Section 1123, as last amended by Section
33, Chapter 59, O.S.L. 2024 (21 O.S. Supp. 2024,
24 Section 1123), which relates to lewd or indecent acts

1 to a child; modifying scope of punishment for certain
2 crimes; and providing an effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 21 O.S. 2021, Section 843.5, as
6 amended by Section 2, Chapter 151, O.S.L. 2024 (21 O.S. Supp. 2024,
7 Section 843.5), is amended to read as follows:

8 Section 843.5. A. Any person who shall willfully or
9 maliciously engage in child abuse, as defined in this section,
10 shall, upon conviction, be guilty of a felony punishable by
11 imprisonment in the custody of the Department of Corrections not
12 exceeding life imprisonment, or by imprisonment in a county jail not
13 exceeding one (1) year, or by a fine of not less than Five Hundred
14 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00),
15 or both such fine and imprisonment.

16 B. Any person responsible for the health, safety or welfare of
17 a child who shall willfully or maliciously engage in enabling child
18 abuse, as defined in this section, shall, upon conviction, be
19 punished by imprisonment in the custody of the Department of
20 Corrections not exceeding life imprisonment, or by imprisonment in a
21 county jail not exceeding one (1) year, or by a fine of not less
22 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
23 Dollars (\$5,000.00), or both such fine and imprisonment.

1 C. Any person responsible for the health, safety or welfare of
2 a child who shall willfully or maliciously engage in child neglect,
3 as defined in this section, shall, upon conviction, be punished by
4 imprisonment in the custody of the Department of Corrections not
5 exceeding life imprisonment, or by imprisonment in a county jail not
6 exceeding one (1) year, or by a fine of not less than Five Hundred
7 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00),
8 or both such fine and imprisonment.

9 D. Any parent or other person who shall willfully or
10 maliciously engage in enabling child neglect shall, upon conviction,
11 be punished by imprisonment in the custody of the Department of
12 Corrections not exceeding life imprisonment, or by imprisonment in a
13 county jail not exceeding one (1) year, or by a fine of not less
14 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
15 Dollars (\$5,000.00), or both such fine and imprisonment.

16 E. Any person responsible for the health, safety or welfare of
17 a child who shall willfully or maliciously engage in child sexual
18 abuse, as defined in this section, shall, upon conviction, be
19 punished by imprisonment in the custody of the Department of
20 Corrections not exceeding life imprisonment, or by imprisonment in a
21 county jail not exceeding one (1) year, or by a fine of not less
22 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
23 Dollars (\$5,000.00), or both such fine and imprisonment, except as
24 provided in Section 51.1a of this title or as otherwise provided in

1 subsection F of this section for a child victim under twelve (12)
2 years of age. Except for persons sentenced to life or life without
3 parole, any person sentenced to imprisonment for two (2) years or
4 more for a violation of this subsection shall be required to serve a
5 term of post-imprisonment supervision pursuant to subparagraph f of
6 paragraph 1 of subsection A of Section 991a of Title 22 of the
7 Oklahoma Statutes under conditions determined by the Department of
8 Corrections. The jury shall be advised that the mandatory post-
9 imprisonment supervision shall be in addition to the actual
10 imprisonment.

11 F. Any person responsible for the health, safety or welfare of
12 a child who shall willfully or maliciously engage in child sexual
13 abuse, as defined in this section, to a child under twelve (12)
14 years of age shall, upon conviction, be punished by imprisonment in
15 the custody of the Department of Corrections for not less than
16 twenty-five (25) years nor more than life imprisonment, and by a
17 fine of not less than Five Hundred Dollars (\$500.00) nor more than
18 Five Thousand Dollars (\$5,000.00).

19 G. Any parent or other person who shall willfully or
20 maliciously engage in enabling child sexual abuse shall, upon
21 conviction, be punished by imprisonment in the custody of the
22 Department of Corrections not exceeding life imprisonment, or by
23 imprisonment in a county jail not exceeding one (1) year, or by a
24 fine of not less than Five Hundred Dollars (\$500.00) nor more than

1 Five Thousand Dollars (\$5,000.00), or both such fine and
2 imprisonment.

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

20 I. Any person who shall willfully or maliciously engage in
21 child sexual exploitation, as defined in this section, of a child
22 under twelve (12) years of age shall, upon conviction, be punished
23 by imprisonment in the custody of the Department of Corrections for
24 not less than twenty-five (25) years nor more than life

1 imprisonment, and by a fine of not less than Five Hundred Dollars
2 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00).

3 J. Any person responsible for the health, safety or welfare of
4 a child who shall willfully or maliciously engage in enabling child
5 sexual exploitation, as defined in this section, shall, upon
6 conviction, be punished by imprisonment in the custody of the
7 Department of Corrections not exceeding life imprisonment, or by
8 imprisonment in a county jail not exceeding one (1) year, or by a
9 fine of not less than Five Hundred Dollars (\$500.00) nor more than
10 Five Thousand Dollars (\$5,000.00), or both such fine and
11 imprisonment.

12 K. ~~Notwithstanding~~ In addition to any other ~~provision of~~
13 punishment prescribed by law, any person convicted of forcible anal
14 or oral sodomy, rape, or rape by instrumentation, ~~or lewd~~
15 ~~molestation~~ of a child under fourteen (14) years of age ~~subsequent~~
16 ~~to a previous conviction for any offense of forcible anal or oral~~
17 ~~sodomy, rape, rape by instrumentation, or lewd molestation of a~~
18 ~~child under fourteen (14) years of age~~ shall be ~~punished~~ eligible
19 for punishment by death or by imprisonment for life without parole.

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

23 M. Consent shall not be a defense for any violation provided
24 for in this section.

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

4 O. As used in this section:

5 1. "Child abuse" means:

6 a. the willful or malicious harm or threatened harm or
7 failure to protect from harm or threatened harm to the
8 health, safety or welfare of a child under eighteen
9 (18) years of age by a person responsible for a
10 child's health, safety or welfare, or

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

14 2. "Child neglect" means the willful or malicious neglect, as
15 defined by Section 1-1-105 of Title 10A of the Oklahoma Statutes, of
16 a child under eighteen (18) years of age by a person responsible for
17 a child's health, safety or welfare;

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

22 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, as provided for in Section 1021.2 of this title,
- d. purchase, procurement or possession of child pornography, 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,
- 5 g. aggravated possession of child pornography, as
6 provided for in Section 1040.12a of this title,
- 7 h. sale or distribution of obscene material, as provided
8 for in Section 1040.13 of this title,
- 9 i. soliciting sexual conduct or communication with a
10 minor by use of technology, as provided for in Section
11 1040.13a of this title,
- 12 j. offering or transporting a child for purposes of child
13 sex trafficking, as provided for in Section 1087 of
14 this title, and
- 15 k. child sex trafficking, as provided for in Section 1088
16 of this title;

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

20 6. "Enabling child neglect" means the causing, procuring or
21 permitting of child neglect by a person responsible for a child's
22 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 or
16 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 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,

- 1 d. the foster parent of the child,
- 2 e. a person eighteen (18) years of age or older with whom
- 3 the parent of the child cohabitates, who is at least
- 4 three (3) years older than the child,
- 5 f. any other person eighteen (18) years of age or older
- 6 residing in the home of the child, who is at least
- 7 three (3) years older than the child,
- 8 g. an owner, operator, agent, employee or volunteer of a
- 9 public or private residential home, institution,
- 10 facility or day treatment program, as defined in
- 11 Section 175.20 of Title 10 of the Oklahoma Statutes,
- 12 that the child attended,
- 13 h. an owner, operator, agent, employee or volunteer of a
- 14 child care facility, as defined in Section 402 of
- 15 Title 10 of the Oklahoma Statutes, that the child
- 16 attended,
- 17 i. an intimate partner of the parent of the child, as
- 18 defined in Section 60.1 of Title 22 of the Oklahoma
- 19 Statutes, or
- 20 j. a person who has voluntarily accepted responsibility
- 21 for the care or supervision of a child;

22 13. "Sexual intercourse" means the actual penetration, however

23 slight, of the vagina or anus by the penis; and

24 14. "Sodomy" means:

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

12 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1123, as
13 last amended by Section 33, Chapter 59, O.S.L. 2024 (21 O.S. Supp.
14 2024, Section 1123), is amended to read as follows:

15 Section 1123. A. It is a felony for any person to knowingly
16 and intentionally:

17 1. Make any oral, written or electronically or computer-
18 generated lewd or indecent proposal to any child under sixteen (16)
19 years of age, or other individual the person believes to be a child
20 under sixteen (16) years of age, for the child to have unlawful
21 sexual relations or sexual intercourse with any person;

22 2. Look upon, touch, maul, or feel the body or private parts of
23 any child under sixteen (16) years of age in any lewd or lascivious
24

1 manner by any acts against public decency and morality, as defined
2 by law;

3 3. Ask, invite, entice, or persuade any child under sixteen
4 (16) years of age, or other individual the person believes to be a
5 child under sixteen (16) years of age, to go alone with any person
6 to a secluded, remote, or secret place, with the unlawful and
7 willful intent and purpose then and there to commit any crime
8 against public decency and morality, as defined by law, with the
9 child;

10 4. In any manner lewdly or lasciviously look upon, touch, maul,
11 or feel the body or private parts of any child under sixteen (16)
12 years of age in any indecent manner or in any manner relating to
13 sexual matters or sexual interest; or

14 5. In a lewd and lascivious manner and for the purpose of
15 sexual gratification:

16 a. urinate or defecate upon a child under sixteen (16)
17 years of age, or force or require a child to defecate
18 or urinate upon the body or private parts of another,
19 or for the purpose of sexual gratification,

20 b. ejaculate upon or in the presence of a child,

21 c. cause, expose, force or require a child to look upon
22 the body or private parts of another person,

23 d. force or require any child under sixteen (16) years of
24 age or other individual the person believes to be a

1 child under sixteen (16) years of age, to view any
2 obscene materials, child sexual abuse material or
3 materials deemed harmful to minors as such terms are
4 defined by Sections 1024.1 and 1040.75 of this title,
5 e. cause, expose, force or require a child to look upon
6 sexual acts performed in the presence of the child, or
7 f. force or require a child to touch or feel the body or
8 private parts of the child or another person.

9 Any person convicted of any violation of this subsection shall
10 be punished by imprisonment in the custody of the Department of
11 Corrections for not less than three (3) years nor more than twenty
12 (20) years, except when the child is under twelve (12) years of age
13 at the time the offense is committed, and in such case the person
14 shall, upon conviction, be punished by death or by imprisonment in
15 the custody of the Department of Corrections for a term of not less
16 than ~~twenty-five (25)~~ ten (10) years, life, or life without parole.
17 The provisions of this subsection shall not apply unless the accused
18 is at least three (3) years older than the victim, except when
19 accomplished by the use of force or fear. Except as provided in
20 Section 51.1a of this title, any person convicted of a second or
21 subsequent violation of this subsection shall be guilty of a felony
22 punishable as provided in this subsection and shall not be eligible
23 for probation, suspended or deferred sentence. Except as provided
24 in Section 51.1a of this title, any person convicted of a third or

1 subsequent violation of this subsection shall be guilty of a felony
2 punishable by imprisonment in the custody of the Department of
3 Corrections for a term of life or life without parole, in the
4 discretion of the jury, or in case the jury fails or refuses to fix
5 punishment then the same shall be pronounced by the court. Any
6 person convicted of a violation of this subsection after having been
7 twice convicted of a violation of subsection A of Section 1114 of
8 this title, Section 888 of this title, sexual abuse of a child
9 pursuant to Section 843.5 of this title, or of any attempt to commit
10 any of these offenses or any combination of convictions pursuant to
11 these sections shall be punished by imprisonment in the custody of
12 the Department of Corrections for a term of life or life without
13 parole.

14 B. No person shall commit sexual battery on any other person.
15 "Sexual battery" shall mean the intentional touching, mauling or
16 feeling of the body or private parts of any person sixteen (16)
17 years of age or older, in a lewd and lascivious manner:

18 1. Without the consent of that person;

19 2. When committed by a state, county, municipal or political
20 subdivision employee or a contractor or an employee of a contractor
21 of the state, a county, a municipality or political subdivision of
22 this state upon a person who is under the legal custody, supervision
23 or authority of a state agency, a county, a municipality or a
24 political subdivision of this state, or the subcontractor or

1 employee of a subcontractor of the contractor of the state or
2 federal government, a county, a municipality or a political
3 subdivision of this state;

4 3. When committed upon a person who is at least sixteen (16)
5 years of age and is less than twenty (20) years of age and is a
6 student, or in the legal custody or supervision of any public or
7 private elementary or secondary school, or technology center school,
8 by a person who is eighteen (18) years of age or older and is an
9 employee of a school system;

10 4. When committed upon a person who is nineteen (19) years of
11 age or younger and is in the legal custody of a state agency,
12 federal agency or a tribal court, by a foster parent or foster
13 parent applicant; or

14 5. When the victim is a student at a secondary school, is
15 concurrently enrolled at an institution of higher education, and
16 engages in acts pursuant to this subsection with a perpetrator who
17 is an employee of the institution of higher education of which the
18 student is enrolled.

19 As used in this subsection, "employee of an institution of
20 higher education" means faculty, adjunct faculty, instructors,
21 volunteers, or an employee of a business contracting with an
22 institution of higher education who may exercise, at any time,
23 institutional authority over the victim. Employee of an institution
24 of higher education shall not include an enrolled student who is not

1 more than three (3) years of age or older than the concurrently
2 enrolled student and who is employed or volunteering, in any
3 capacity, for the institution of higher education.

4 As used in this subsection, "employee of a school system" means
5 a teacher, principal or other duly appointed person employed by a
6 school system or an employee of a firm contracting with a school
7 system.

8 C. No person shall in any manner lewdly or lasciviously:

9 1. Look upon, touch, maul, or feel the body or private parts of
10 any human corpse in any indecent manner relating to sexual matters
11 or sexual interest; or

12 2. Urinate, defecate or ejaculate upon any human corpse.

13 D. Any person convicted of a violation of subsection B or C of
14 this section shall be deemed guilty of a felony and shall be
15 punished by imprisonment in the custody of the Department of
16 Corrections for not more than ten (10) years.

17 E. The fact that an undercover operative or law enforcement
18 officer was involved in the detection and investigation of an
19 offense pursuant to this section shall not constitute a defense to a
20 prosecution under this section.

21 F. Except for persons sentenced to life or life without parole,
22 any person sentenced to imprisonment for two (2) years or more for a
23 violation of this section shall be required to serve a term of post-
24 imprisonment supervision pursuant to subparagraph f of paragraph 1

1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
2 under conditions determined by the Department of Corrections. The
3 jury shall be advised that the mandatory post-imprisonment
4 supervision shall be in addition to the actual imprisonment.

5 SECTION 3. This act shall become effective November 1, 2025."

6 Passed the House of Representatives the 28th day of April, 2025.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ___ day of _____, 2025.

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Presiding Officer of the Senate

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1 ENGROSSED SENATE
2 BILL NO. 599

By: Hamilton, Burns, Bullard,
Prieto, Deevers,
Standridge, McIntosh,
Grellner, Wingard, Hines,
Woods, Sacchieri, Murdock,
Bergstrom, Frix, and
Guthrie of the Senate

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6 Turner of the House
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9 An Act relating to crimes and punishments; amending
10 21 O.S. 2021, Section 843.5, as amended by Section 2,
Chapter 151, O.S.L. 2024 (21 O.S. Supp. 2024, Section
11 843.5), which relates to child sexual abuse;
12 modifying requirements for imposition of certain
13 punishments; and providing an effective date.

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

15 SECTION 4. AMENDATORY 21 O.S. 2021, Section 843.5, as
16 amended by Section 2, Chapter 151, O.S.L. 2024 (21 O.S. Supp. 2024,
17 Section 843.5), is amended to read as follows:

18 Section 843.5. A. Any person who shall willfully or
19 maliciously engage in child abuse, as defined in this section,
20 shall, upon conviction, be guilty of a felony punishable by
21 imprisonment in the custody of the Department of Corrections not
22 exceeding life imprisonment, or by imprisonment in a county jail not
23 exceeding one (1) year, or by a fine of not less than Five Hundred
24

1 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00),
2 or both such fine and imprisonment.

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

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

19 D. Any parent or other person who shall willfully or
20 maliciously engage in enabling child neglect shall, upon conviction,
21 be punished by imprisonment in the custody of the Department of
22 Corrections not exceeding life imprisonment, or by imprisonment in a
23 county jail not exceeding one (1) year, or by a fine of not less
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1 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
2 Dollars (\$5,000.00), or both such fine and imprisonment.

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

22 F. Any person responsible for the health, safety or welfare of
23 a child who shall willfully or maliciously engage in child sexual
24 abuse, as defined in this section, to a child under twelve (12)

1 years of age shall, upon conviction, be punished by imprisonment in
2 the custody of the Department of Corrections for not less than
3 twenty-five (25) years nor more than life imprisonment, and by a
4 fine of not less than Five Hundred Dollars (\$500.00) nor more than
5 Five Thousand Dollars (\$5,000.00).

6 G. Any parent or other person who shall willfully or
7 maliciously engage in enabling child sexual abuse shall, upon
8 conviction, be punished by imprisonment in the custody of the
9 Department of Corrections not exceeding life imprisonment, or by
10 imprisonment in a county jail not exceeding one (1) year, or by a
11 fine of not less than Five Hundred Dollars (\$500.00) nor more than
12 Five Thousand Dollars (\$5,000.00), or both such fine and
13 imprisonment.

14 H. Any person who shall willfully or maliciously engage in
15 child sexual exploitation, as defined in this section, shall, upon
16 conviction, be punished by imprisonment in the custody of the
17 Department of Corrections not exceeding life imprisonment, or by
18 imprisonment in a county jail not exceeding one (1) year, or by a
19 fine of not less than Five Hundred Dollars (\$500.00) nor more than
20 Five Thousand Dollars (\$5,000.00), or both such fine and
21 imprisonment, except as provided in subsection I of this section for
22 a child victim under twelve (12) years of age. Except for persons
23 sentenced to life or life without parole, any person sentenced to
24 imprisonment for two (2) years or more for a violation of this

1 subsection shall be required to serve a term of post-imprisonment
2 supervision pursuant to subparagraph f of paragraph 1 of subsection
3 A of Section 991a of Title 22 of the Oklahoma Statutes under
4 conditions determined by the Department of Corrections. The jury
5 shall be advised that the mandatory post-imprisonment supervision
6 shall be in addition to the actual imprisonment.

7 I. Any person who shall willfully or maliciously engage in
8 child sexual exploitation, as defined in this section, of a child
9 under twelve (12) years of age shall, upon conviction, be punished
10 by imprisonment in the custody of the Department of Corrections for
11 not less than twenty-five (25) years nor more than life
12 imprisonment, and by a fine of not less than Five Hundred Dollars
13 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00).

14 J. Any person responsible for the health, safety or welfare of
15 a child who shall willfully or maliciously engage in enabling child
16 sexual exploitation, as defined in this section, shall, upon
17 conviction, be punished by imprisonment in the custody of the
18 Department of Corrections not exceeding life imprisonment, or by
19 imprisonment in a county jail not exceeding one (1) year, or by a
20 fine of not less than Five Hundred Dollars (\$500.00) nor more than
21 Five Thousand Dollars (\$5,000.00), or both such fine and
22 imprisonment.

23 K. 1. Notwithstanding any other provision of law, any person
24 convicted of forcible anal or oral sodomy, rape, or rape by

1 instrumentation, ~~or lewd molestation~~ of a child under fourteen (14)
2 years of age ~~subsequent to a previous conviction for any offense of~~
3 ~~forcible anal or oral sodomy, rape, rape by instrumentation, or lewd~~
4 ~~molestation of a child under fourteen (14) years of age~~ shall be
5 punished by death or by imprisonment for life without parole.

6 2. Notwithstanding any other provision of law, any person
7 convicted of lewd molestation of a child under fourteen (14) years
8 of age shall be punished by imprisonment for life without parole.

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

12 M. Consent shall not be a defense for any violation provided
13 for in this section.

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

17 O. As used in this section:

18 1. "Child abuse" means:

19 a. the willful or malicious harm or threatened harm or
20 failure to protect from harm or threatened harm to the
21 health, safety or welfare of a child under eighteen
22 (18) years of age by a person responsible for a
23 child's health, safety or welfare, or

24

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

4 2. "Child neglect" means the willful or malicious neglect, as
5 defined by Section 1-1-105 of Title 10A of the Oklahoma Statutes, of
6 a child under eighteen (18) years of age by a person responsible for
7 a child's health, safety or welfare;

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

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

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

- 22 a. human trafficking, as provided for in Section 748 of
23 this title, if the offense involved child trafficking
24 for commercial sex,

- 1 b. trafficking in children, as provided for in Section
2 866 of this title, if the offense was committed for
3 the sexual gratification of any person,
- 4 c. procuring or causing the participation of a minor in
5 child pornography, as provided for in Section 1021.2
6 of this title,
- 7 d. purchase, procurement or possession of child
8 pornography, as provided for in Section 1024.2 of this
9 title,
- 10 e. engaging in or soliciting prostitution, as provided
11 for in Section 1029 of this title, if the offense
12 involved child sex trafficking,
- 13 f. publication, distribution or participation in the
14 preparation of obscene material, as provided for in
15 Section 1040.8 of this title, if the offense involved
16 child pornography,
- 17 g. aggravated possession of child pornography, as
18 provided for in Section 1040.12a of this title,
- 19 h. sale or distribution of obscene material, as provided
20 for in Section 1040.13 of this title,
- 21 i. soliciting sexual conduct or communication with a
22 minor by use of technology, as provided for in Section
23 1040.13a of this title,
- 24

1 j. offering or transporting a child for purposes of child
2 sex trafficking, as provided for in Section 1087 of
3 this title, and

4 k. child sex trafficking, as provided for in Section 1088
5 of this title;

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

9 6. "Enabling child neglect" means the causing, procuring or
10 permitting of child neglect by a person responsible for a child's
11 health, safety or welfare;

12 7. "Enabling child sexual abuse" means the causing, procuring
13 or permitting of child sexual abuse by a person responsible for a
14 child's health, safety or welfare;

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

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

21 10. "Lewd act or proposal" means:

22 a. making any oral, written or electronic or computer-
23 generated lewd or indecent proposal to a child for the
24

1 child to have unlawful sexual relations or sexual
2 intercourse with any person,

3 b. looking upon, touching, mauling or feeling the body or
4 private parts of a child in a lewd or lascivious
5 manner or for the purpose of sexual gratification,

6 c. asking, inviting, enticing or persuading any child to
7 go alone with any person to a secluded, remote or
8 secret place for a lewd or lascivious purpose,

9 d. urinating or defecating upon a child or causing,
10 forcing or requiring a child to defecate or urinate
11 upon the body or private parts of another person for
12 the purpose of sexual gratification,

13 e. ejaculating upon or in the presence of a child,

14 f. causing, exposing, forcing or requiring a child to
15 look upon the body or private parts of another person
16 for the purpose of sexual gratification,

17 g. causing, forcing or requiring any child to view any
18 obscene materials, child pornography or materials
19 deemed harmful to minors as such terms are defined in
20 Sections 1024.1 and 1040.75 of this title,

21 h. causing, exposing, forcing or requiring a child to
22 look upon sexual acts performed in the presence of the
23 child for the purpose of sexual gratification, or
24

1 i. causing, forcing or requiring a child to touch or feel
2 the body or private parts of the child or another
3 person for the purpose of sexual gratification;

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

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

- 11 a. the parent of the child,
- 12 b. the legal guardian of the child,
- 13 c. the custodian of the child,
- 14 d. the foster parent of the child,
- 15 e. a person eighteen (18) years of age or older with whom
16 the parent of the child cohabitates, who is at least
17 three (3) years older than the child,
- 18 f. any other person eighteen (18) years of age or older
19 residing in the home of the child, who is at least
20 three (3) years older than the child,
- 21 g. an owner, operator, agent, employee or volunteer of a
22 public or private residential home, institution,
23 facility or day treatment program, as defined in
24

1 Section 175.20 of Title 10 of the Oklahoma Statutes,
2 that the child attended,

3 h. an owner, operator, agent, employee or volunteer of a
4 child care facility, as defined in Section 402 of
5 Title 10 of the Oklahoma Statutes, that the child
6 attended,

7 i. an intimate partner of the parent of the child, as
8 defined in Section 60.1 of Title 22 of the Oklahoma
9 Statutes, or

10 j. a person who has voluntarily accepted responsibility
11 for the care or supervision of a child;

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

14 14. "Sodomy" means:

15 a. penetration, however slight, of the mouth of the child
16 by a penis,

17 b. penetration, however slight, of the vagina of a person
18 responsible for a child's health, safety or welfare,
19 by the mouth of a child,

20 c. penetration, however slight, of the mouth of the
21 person responsible for a child's health, safety or
22 welfare by the penis of the child, or

