

An Act

ENROLLED HOUSE
BILL NO. 2798

By: Hasenbeck, Caldwell (Chad),
and Adams of the House

and

Alvord and Hamilton of the
Senate

An Act relating to reporting requirements; amending 10A O.S. 2021, Section 1-2-101, which relates to the duty to report abuse or neglect; providing statutory reference; making certain acts unlawful; providing penalties; defining term; amending 70 O.S. 2021, Section 1210.163, as amended by Section 46, Chapter 59, O.S.L. 2024 (70 O.S. Supp. 2024, Section 1210.163), which relates to the duty to report child abuse and neglect; making superintendents and school administrators subject to criminal penalties under certain circumstances; providing for codification; and providing an effective date.

SUBJECT: Reporting requirements

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

SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-2-101, is amended to read as follows:

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

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

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

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

- a. the number of calls screened out,
- b. the number of referrals assigned,
- c. the number of calls received by persons unwilling to disclose basic personal information including, but not limited to, first and last name, and
- d. the number of calls in which the allegations were later found to be unsubstantiated or ruled out.

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

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

2. a. Every school employee having reason to believe that a student under the age of eighteen (18) years is a victim of abuse or neglect shall report the matter immediately to the Department of Human Services and local law enforcement. Reports to the Department shall be made to the hotline provided for in subsection A of this section. Any allegation of abuse or neglect reported in any manner to a county office shall immediately be referred to the hotline by the Department. Provided, however, that in actions for custody by abandonment, provided for in Section 2-117

of Title 30 of the Oklahoma Statutes, there shall be no reporting requirement.

- b. Every school employee having reason to believe that a student age eighteen (18) years or older is a victim of abuse or neglect shall report the matter immediately to local law enforcement.
- c. In reports required by subparagraph a or b of this paragraph, local law enforcement shall keep confidential and redact any information identifying the reporting school employee unless otherwise ordered by the court. A school employee with knowledge of a report required by subparagraph a or b of this paragraph shall not disclose information identifying the reporting school employee unless otherwise ordered by the court or as part of an investigation by local law enforcement or the Department.

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

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

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

paragraph, the party harmed may file an action to recover damages, costs and attorney fees.

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

C. Any Except as provided in Section 2 of this act, any person who knowingly and willfully fails to promptly report suspected child abuse or neglect or who interferes with the prompt reporting of suspected child abuse or neglect may be reported to local law enforcement for criminal investigation and, upon conviction thereof, shall be guilty of a misdemeanor. Any Except as provided in Section 2 of this act, any person with prolonged knowledge of ongoing child abuse or neglect who knowingly and willfully fails to promptly report such knowledge may be reported to local law enforcement for criminal investigation and, upon conviction thereof, shall be guilty of a felony. For the purposes of this paragraph, "prolonged knowledge" shall mean knowledge of at least six (6) months of child abuse or neglect.

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

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

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 593 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Any superintendent or school administrator of a private school or public school district who knowingly and willfully fails to promptly report or who interferes with the prompt reporting of child abuse and neglect, as mandated in Section 1210.163 of Title 70 of the Oklahoma Statutes shall, upon conviction, be guilty of a felony punishable by imprisonment in the Department of Corrections for a term of not less than two (2) years or more than ten (10) years, or by a fine of not less than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment. In addition, the court shall require the person to complete a term of community service, without compensation, for a period of hours to be determined by the court.

B. As used in this section, "school administrator" means a principal, assistant principal, or any other person who serves in a supervisory or administrative capacity in a private school or public school district.

SECTION 3. AMENDATORY 70 O.S. 2021, Section 1210.163, as amended by Section 46, Chapter 59, O.S.L. 2024 (70 O.S. Supp. 2024, Section 1210.163), is amended to read as follows:

Section 1210.163. A. Every school employee having reason to believe that a student under the age of eighteen (18) years is a victim of abuse or neglect shall report the matter immediately to the Department of Human Services and local law enforcement. Reports to the Department shall be made to the hotline provided for in Section 1-2-101 of Title 10A of the Oklahoma Statutes. Any allegation of abuse or neglect reported in any manner to a county office shall immediately be referred to the hotline by the Department.

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

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

D. Any superintendent or school administrator of a private school or public school district who knowingly and willfully fails to promptly report or interferes with the prompt reporting of abuse or neglect shall be subject to the penalties provided for in Section 2 of this act. As used in this subsection, "school administrator" means a principal, assistant principal, or any other person who serves in a supervisory or administrative capacity in a private school or public school district.

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

1. Child abuse as defined in Section 843.5 of Title 21 of the Oklahoma Statutes;
2. Sexual abuse or sexual exploitation as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes;
3. Contributing to the delinquency of a minor as defined in Section 856 of Title 21 of the Oklahoma Statutes;
4. Trafficking in children, as defined in Section 866 of Title 21 of the Oklahoma Statutes;
5. Incest as described in Section 885 of Title 21 of the Oklahoma Statutes;
6. Forcible sodomy, as described in Section 888 of Title 21 of the Oklahoma Statutes;
7. Maliciously, forcibly or fraudulently taking or enticing a child away, as described in Section 891 of Title 21 of the Oklahoma Statutes;
8. Soliciting or aiding a minor child to perform or showing, exhibiting, loaning or distributing obscene material or child sexual

abuse material, as described in Section 1021 of Title 21 of the Oklahoma Statutes;

9. Procuring or causing the participation of any minor child in any child sexual abuse material or knowingly possessing, procuring or manufacturing child sexual abuse material, as described in Section 1021.2 of Title 21 of the Oklahoma Statutes;

10. Permitting or consenting to the participation of a minor child in any child sexual abuse material, as described in Section 1021.3 of Title 21 of the Oklahoma Statutes;

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

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

13. Causing, inducing, persuading or encouraging a minor child to engage or continue to engage in prostitution, as described in 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; and

16. Sexual battery, when committed upon a person who is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or in the legal custody or supervision of any public or private elementary or secondary school, or technology center school, by a person who is eighteen (18) years of age or older and is an employee of a private school or public school system.

SECTION 4. This act shall become effective November 1, 2025.

Passed the House of Representatives the 13th day of March, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the 14th day of May, 2025.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.

By: _____