

# SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

☐ COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

I move to amend House Bill No. 2104 as follows:

1. On Page 37, Line 6, through Page 48, Line 16, by deleting Section 3 in its entirety and inserting a new Section 3 to read as attached;
2. On Page 51, Line 3, through Page 62, Line 11, by deleting Section 8 in its entirety and inserting a new Section 8 to read as attached;
3. By amending the title to conform.

Submitted by:

\_\_\_\_\_  
Senator Rader

Rader-TEK-FA-HB2104

4/30/2025 8:52 AM

(Floor Amendments Only) Date and Time Filed: \_\_\_\_\_

☐ Untimely

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☐ Secondary Amendment

1       "SECTION 3.       AMENDATORY       21 O.S. 2021, Section 644, as  
2 last amended by Section 6, Chapter 452, O.S.L. 2024 (21 O.S. Supp.  
3 2024, Section 644), is amended to read as follows:

4 Section 644. A. Assault shall be punishable by imprisonment in a  
5 county jail not exceeding thirty (30) days, or by a fine of not  
6 more than Five Hundred Dollars (\$500.00), or by both such fine and  
7 imprisonment.

8 B. Assault and battery shall be punishable by imprisonment in  
9 a county jail not exceeding ninety (90) days, or by a fine of not  
10 more than One Thousand Dollars (\$1,000.00), or by both such fine  
11 and imprisonment.

12 C. Any person who commits any assault and battery against a  
13 current or former intimate partner or a family or household member  
14 as defined by Section 60.1 of Title 22 of the Oklahoma Statutes  
15 shall be guilty of domestic abuse. Upon conviction, the defendant  
16 shall be punished by imprisonment in the county jail for not more  
17 than one (1) year, or by a fine not exceeding Five Thousand Dollars  
18 (\$5,000.00), or by both such fine and imprisonment. Upon  
19 conviction for a second or subsequent offense, the person shall be  
20 guilty of a Class B5 felony offense and shall be punished by  
21 imprisonment in the custody of the Department of Corrections for  
22 not more than four (4) years, or by a fine not exceeding Five  
23 Thousand Dollars (\$5,000.00), or by both such fine and  
24 imprisonment. The provisions of Section 51.1 of this title shall  
25 apply to any second or subsequent offense.

26 D. 1. Any person who, with intent to do bodily harm and  
27 without justifiable or excusable cause, commits any assault,  
28 battery, or assault and battery upon an intimate partner or a  
29 family or household member as defined by Section 60.1 of Title 22  
30 of the Oklahoma Statutes with any sharp or dangerous weapon, upon  
31 conviction, is guilty of domestic assault or domestic assault and  
32 battery with a dangerous weapon which shall be a Class B3 felony  
33 and offense punishable by imprisonment in the custody of the  
34 Department of Corrections not exceeding ten (10) years, or by  
35 imprisonment in a county jail not exceeding one (1) year. The  
36 provisions of Section 51.1 of this title shall apply to any second  
37 or subsequent conviction for a violation of this paragraph.

38 2. Any person who, without such cause, shoots an intimate  
39 partner or a family or household member as defined by Section 60.1  
40 of Title 22 of the Oklahoma Statutes by means of any deadly weapon  
41 that is likely to produce death shall, upon conviction, be guilty

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1 of domestic assault and battery with a deadly weapon which shall be  
2 a Class A3 felony offense punishable by imprisonment in the custody  
3 of the Department of Corrections not exceeding life. The  
4 provisions of Section 51.1 of this title shall apply to any second  
5 or subsequent conviction for a violation of this paragraph.

6 E. 1. Any person convicted of domestic abuse committed  
7 against a pregnant woman with knowledge of the pregnancy shall be  
8 guilty of a felony, punishable by imprisonment in the custody of  
9 the Department of Corrections for not more than five (5) years.

10 2. Any person convicted of a second or subsequent offense of  
11 domestic abuse against a pregnant woman with knowledge of the  
12 pregnancy shall be guilty of a Class A3 felony~~7~~ offense punishable  
13 by imprisonment in the custody of the Department of Corrections for  
14 not less than ten (10) years.

15 3. Any person convicted of domestic abuse committed against a  
16 pregnant woman with knowledge of the pregnancy and a miscarriage  
17 occurs or injury to the unborn child occurs shall be guilty of a  
18 Class A1 felony~~7~~ offense punishable by imprisonment in the custody  
19 of the Department of Corrections for not less than twenty (20)  
20 years.

21 F. Any person convicted of domestic abuse as defined in  
22 subsection C of this section that results in great bodily injury to  
23 the victim shall be guilty of a Class B3 felony offense and  
24 punished by imprisonment in the custody of the Department of  
25 Corrections for not more than ten (10) years, or by imprisonment in  
26 the county jail for not more than one (1) year. The provisions of  
27 Section 51.1 of this title shall apply to any second or subsequent  
28 conviction of a violation of this subsection.

29 G. Any person convicted of domestic abuse as defined in  
30 subsection C of this section that was committed in the presence of  
31 a child shall be punished by imprisonment in the county jail for  
32 not less than six (6) months nor more than one (1) year, or by a  
33 fine not exceeding Five Thousand Dollars (\$5,000.00), or by both  
34 such fine and imprisonment. Any person convicted of a second or  
35 subsequent domestic abuse as defined in subsection C of this  
36 section that was committed in the presence of a child shall be  
37 guilty of a Class B5 felony offense and shall be punished by  
38 imprisonment in the custody of the Department of Corrections for  
39 not less than one (1) year nor more than five (5) years, or by a  
40 fine not exceeding Seven Thousand Dollars (\$7,000.00), or by both  
41 such fine and imprisonment. The provisions of Section 51.1 of this  
42 title shall apply to any second or subsequent offense. For every  
43 conviction of a domestic abuse crime in violation of any provision  
44 of this section committed against an intimate partner or a family  
45 or household member as defined by Section 60.1 of Title 22 of the  
46 Oklahoma Statutes, the court shall:

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1       1. Specifically order as a condition of a suspended or  
2 deferred sentence that a defendant participate in counseling or  
3 undergo treatment to bring about the cessation of domestic abuse as  
4 specified in paragraph 2 of this subsection;

5       2.    a.    The court shall require the defendant to complete an  
6               assessment and follow the recommendations of a  
7               batterers' intervention program certified by the  
8               Attorney General. If the defendant is ordered to  
9               participate in a batterers' intervention program, the  
10              order shall require the defendant to attend the  
11              program for a minimum of fifty-two (52) weeks,  
12              complete the program, and be evaluated before and  
13              after attendance of the program by program staff.  
14              Three unexcused absences in succession or seven  
15              unexcused absences in a period of fifty-two (52)  
16              weeks from any court-ordered batterers' intervention  
17              program shall be prima facie evidence of the  
18              violation of the conditions of probation for the  
19              district attorney to seek acceleration or revocation  
20              of any probation entered by the court.

21       b.    A program for anger management, couples counseling,  
22              or family and marital counseling shall not solely  
23              qualify for the counseling or treatment requirement  
24              for domestic abuse pursuant to this subsection. The  
25              counseling may be ordered in addition to counseling  
26              specifically for the treatment of domestic abuse or  
27              per evaluation as set forth below. If, after  
28              sufficient evaluation and attendance at required  
29              counseling sessions, the domestic violence treatment  
30              program or licensed professional determines that the  
31              defendant does not evaluate as a perpetrator of  
32              domestic violence or does evaluate as a perpetrator  
33              of domestic violence and should complete other  
34              programs of treatment simultaneously or prior to  
35              domestic violence treatment, including but not  
36              limited to programs related to the mental health,  
37              apparent substance or alcohol abuse or inability or  
38              refusal to manage anger, the defendant shall be  
39              ordered to complete the counseling as per the  
40              recommendations of the domestic violence treatment  
41              program or licensed professional;

42       3.    a.    The court shall set a review hearing no more than one  
43                   hundred twenty (120) days after the defendant is  
44                   ordered to participate in a domestic abuse counseling  
45                   program or undergo treatment for domestic abuse to  
46                   assure the attendance and compliance of the defendant  
47                   with the provisions of this subsection and the

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1 domestic abuse counseling or treatment requirements.  
2 The court may suspend sentencing of the defendant  
3 until the defendant has presented proof to the court  
4 of enrollment in a program of treatment for domestic  
5 abuse by an individual licensed practitioner or a  
6 domestic abuse treatment program certified by the  
7 Attorney General and attendance at weekly sessions of  
8 such program. Such proof shall be presented to the  
9 court by the defendant no later than one hundred  
10 twenty (120) days after the defendant is ordered to  
11 such counseling or treatment. At such time, the  
12 court may complete sentencing, beginning the period  
13 of the sentence from the date that proof of  
14 enrollment is presented to the court, and schedule  
15 reviews as required by subparagraphs a and b of this  
16 paragraph and paragraphs 4 and 5 of this subsection.  
17 Three unexcused absences in succession or seven  
18 unexcused absences in a period of fifty-two (52)  
19 weeks from any court-ordered domestic abuse  
20 counseling or treatment program shall be prima facie  
21 evidence of the violation of the conditions of  
22 probation for the district attorney to seek  
23 acceleration or revocation of any probation entered  
24 by the court.

25 b. The court shall set a second review hearing after the  
26 completion of the counseling or treatment to assure  
27 the attendance and compliance of the defendant with  
28 the provisions of this subsection and the domestic  
29 abuse counseling or treatment requirements. The  
30 court shall retain continuing jurisdiction over the  
31 defendant during the course of ordered counseling  
32 through the final review hearing;

33 4. The court may set subsequent or other review hearings as  
34 the court determines necessary to assure the defendant attends and  
35 fully complies with the provisions of this subsection and the  
36 domestic abuse counseling or treatment requirements;

37 5. At any review hearing, if the defendant is not  
38 satisfactorily attending individual counseling or a domestic abuse  
39 counseling or treatment program or is not in compliance with any  
40 domestic abuse counseling or treatment requirements, the court may  
41 order the defendant to further or continue counseling, treatment,  
42 or other necessary services. The court may revoke all or any part  
43 of a suspended sentence, deferred sentence, or probation pursuant  
44 to Section 991b of Title 22 of the Oklahoma Statutes and subject  
45 the defendant to any or all remaining portions of the original  
46 sentence;

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1       6. At the first review hearing, the court shall require the  
2 defendant to appear in court. Thereafter, for any subsequent  
3 review hearings, the court may accept a report on the progress of  
4 the defendant from individual counseling, domestic abuse  
5 counseling, or the treatment program. There shall be no  
6 requirement for the victim to attend review hearings; and

7       7. If funding is available, a referee may be appointed and  
8 assigned by the presiding judge of the district court to hear  
9 designated cases set for review under this subsection. Reasonable  
10 compensation for the referees shall be fixed by the presiding  
11 judge. The referee shall meet the requirements and perform all  
12 duties in the same manner and procedure as set forth in Sections 1-  
13 8-103 and 2-2-702 of Title 10A of the Oklahoma Statutes pertaining  
14 to referees appointed in juvenile proceedings.

15       The defendant may be required to pay all or part of the cost of  
16 the counseling or treatment, in the discretion of the court.

17       H. As used in subsection G of this section, "in the presence  
18 of a child" means in the physical presence of a child; or having  
19 knowledge that a child is present and may see or hear an act of  
20 domestic violence. For the purposes of subsections C and G of this  
21 section, "child" may be any child whether or not related to the  
22 victim or the defendant.

23       I. For the purposes of subsections C and G of this section,  
24 any conviction for assault and battery against an intimate partner  
25 or a family or household member as defined by Section 60.1 of Title  
26 22 of the Oklahoma Statutes shall constitute a sufficient basis for  
27 a felony charge:

28       1. If that conviction is rendered in any state, county or  
29 parish court of record of this or any other state; or

30       2. If that conviction is rendered in any municipal court of  
31 record of this or any other state for which any jail time was  
32 served; provided, no conviction in a municipal court of record  
33 entered prior to November 1, 1997, shall constitute a prior  
34 conviction for purposes of a felony charge.

35       J. Any person who commits any assault and battery by  
36 strangulation or attempted strangulation against an intimate  
37 partner or a family or household member as defined by Section 60.1  
38 of Title 22 of the Oklahoma Statutes shall, upon conviction, be  
39 guilty of a Class B5 felony offense of domestic abuse by  
40 strangulation and shall be punished by imprisonment in the custody  
41 of the Department of Corrections for a period of not less than one  
42 (1) year nor more than three (3) years, or by a fine of not more  
43 than Three Thousand Dollars (\$3,000.00), or by both such fine and  
44 imprisonment. Upon a second or subsequent conviction for a  
45 violation of this section, the defendant shall be guilty of a Class  
46 B3 felony offense and shall be punished by imprisonment in the  
47 custody of the Department of Corrections for a period of not less

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1 than three (3) years nor more than ten (10) years, or by a fine of  
2 not more than Twenty Thousand Dollars (\$20,000.00), or by both such  
3 fine and imprisonment. The provisions of Section 51.1 of this  
4 title shall apply to any second or subsequent conviction of a  
5 violation of this subsection. As used in this subsection,  
6 "strangulation" means any form of asphyxia; including, but not  
7 limited to, asphyxia characterized by closure of the blood vessels  
8 or air passages of the neck as a result of external pressure on the  
9 neck or the closure of the nostrils or mouth as a result of  
10 external pressure on the head.

11 K. Any district court of this state and any judge thereof  
12 shall be immune from any liability or prosecution for issuing an  
13 order that requires a defendant to:

14 1. Attend a treatment program for domestic abusers certified  
15 by the Attorney General;

16 2. Attend counseling or treatment services ordered as part of  
17 any suspended or deferred sentence or probation; and

18 3. Attend, complete, and be evaluated before and after  
19 attendance by a treatment program for domestic abusers, certified  
20 by the Attorney General.

21 L. There shall be no charge of fees or costs to any victim of  
22 domestic violence, stalking, or sexual assault in connection with  
23 the prosecution of a domestic violence, stalking, or sexual assault  
24 offense in this state.

25 M. In the course of prosecuting any charge of domestic abuse,  
26 stalking, harassment, rape, or violation of a protective order, the  
27 prosecutor shall provide the court, prior to sentencing or any plea  
28 agreement, a local history and any other available history of past  
29 convictions of the defendant within the last ten (10) years  
30 relating to domestic abuse, stalking, harassment, rape, violation  
31 of a protective order, or any other violent misdemeanor or felony  
32 convictions.

33 N. Any plea of guilty or finding of guilt for a violation of  
34 subsection C, F, G, I or J of this section shall constitute a  
35 conviction of the offense for the purpose of this act or any other  
36 criminal statute under which the existence of a prior conviction is  
37 relevant for a period of ten (10) years following the completion of  
38 any court imposed probationary term; provided, the person has not,  
39 in the meantime, been convicted of a misdemeanor involving moral  
40 turpitude or a felony.

41 O. For purposes of subsection F of this section, "great bodily  
42 injury" means bone fracture, protracted and obvious disfigurement,  
43 protracted loss or impairment of the function of a body part, organ  
44 or mental faculty, or substantial risk of death.

45 P. Any pleas of guilty or nolo contendere or finding of guilt  
46 to a violation of any provision of this section shall constitute a  
47 conviction of the offense for the purpose of any subsection of this

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1 section under which the existence of a prior conviction is relevant  
2 for a period of ten (10) years following the completion of any  
3 sentence or court imposed probationary term.”

4  
5 “SECTION 8. 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.  
9

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

18 B. Any person responsible for the health, safety or welfare of  
19 a child who shall willfully or maliciously engage in enabling child  
20 abuse, as defined in this section, shall, upon conviction, be  
21 guilty of a Class A3 felony offense and shall be punished by  
22 imprisonment in the custody of the Department of Corrections not  
23 exceeding life imprisonment, or by imprisonment in a county jail  
24 not exceeding one (1) year, or by a fine of not less than Five  
25 Hundred Dollars (\$500.00) nor more than Five Thousand Dollars  
26 (\$5,000.00), or both such fine and imprisonment.

27 C. Any person responsible for the health, safety or welfare of  
28 a child who shall willfully or maliciously engage in child neglect,  
29 as defined in this section, shall, upon conviction, be guilty of a  
30 Class B1 felony offense and shall be punished by imprisonment in  
31 the custody of the Department of Corrections not exceeding life  
32 imprisonment, or by imprisonment in a county jail not exceeding one  
33 (1) year, or by a fine of not less than Five Hundred Dollars  
34 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both  
35 such fine and imprisonment.

36 D. Any parent or other person who shall willfully or  
37 maliciously engage in enabling child neglect shall, upon  
38 conviction, be guilty of a Class B1 felony offense and shall be  
39 punished by imprisonment in the custody of the Department of  
40 Corrections not exceeding life imprisonment, or by imprisonment in  
41 a county jail not exceeding one (1) year, or by a fine of not less  
42 than Five Hundred Dollars (\$500.00) nor more than Five Thousand  
43 Dollars (\$5,000.00), or both such fine and imprisonment.

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

21 F. Any person responsible for the health, safety or welfare of  
22 a child who shall willfully or maliciously engage in child sexual  
23 abuse, as defined in this section, to a child under twelve (12)  
24 years of age shall, upon conviction, be guilty of a Class A1 felony  
25 offense and shall be punished by imprisonment in the custody of the  
26 Department of Corrections for not less than twenty-five (25) years  
27 nor more than life imprisonment, and by a fine of not less than  
28 Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars  
29 (\$5,000.00).

30 G. Any parent or other person who shall willfully or  
31 maliciously engage in enabling child sexual abuse shall, upon  
32 conviction, be guilty of a Class A3 felony offense and shall be  
33 punished by imprisonment in the custody of the Department of  
34 Corrections not exceeding life imprisonment, or by imprisonment in  
35 a county jail not exceeding one (1) year, or by a fine of not less  
36 than Five Hundred Dollars (\$500.00) nor more than Five Thousand  
37 Dollars (\$5,000.00), or both such fine and imprisonment.

38 H. Any person who shall willfully or maliciously engage in  
39 child sexual exploitation, as defined in this section, shall, upon  
40 conviction, be guilty of a Class A3 felony offense and shall be  
41 punished by imprisonment in the custody of the Department of  
42 Corrections not exceeding life imprisonment, or by imprisonment in  
43 a county jail not exceeding one (1) year, or by a fine of not less  
44 than Five Hundred Dollars (\$500.00) nor more than Five Thousand  
45 Dollars (\$5,000.00), or both such fine and imprisonment, except as  
46 provided in subsection I of this section for a child victim under  
47 twelve (12) years of age. Except for persons sentenced to life or

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

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

17 J. Any person responsible for the health, safety or welfare of  
18 a child who shall willfully or maliciously engage in enabling child  
19 sexual exploitation, as defined in this section, shall, upon  
20 conviction, be guilty of a Class A3 felony offense and shall be  
21 punished by imprisonment in the custody of the Department of  
22 Corrections not exceeding life imprisonment, or by imprisonment in  
23 a county jail not exceeding one (1) year, or by a fine of not less  
24 than Five Hundred Dollars (\$500.00) nor more than Five Thousand  
25 Dollars (\$5,000.00), or both such fine and imprisonment.

26 K. Notwithstanding any other provision of law, any person  
27 convicted of forcible anal or oral sodomy, rape, rape by  
28 instrumentation, or lewd molestation of a child under fourteen (14)  
29 years of age subsequent to a previous conviction for any offense of  
30 forcible anal or oral sodomy, rape, rape by instrumentation, or  
31 lewd molestation of a child under fourteen (14) years of age shall  
32 be guilty of a Class A1 felony offense and shall be punished by  
33 death or by imprisonment for life without parole.

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

37 M. Consent shall not be a defense for any violation provided  
38 for in this section.

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

42 O. As used in this section:

43 1. "Child abuse" means:

- 44 a. the willful or malicious harm or threatened harm or  
45 failure to protect from harm or threatened harm to  
46 the health, safety or welfare of a child under

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1           eighteen (18) years of age by a person responsible  
2           for a child's health, safety or welfare, or  
3           b.   the act of willfully or maliciously injuring,  
4           torturing or maiming a child under eighteen (18)  
5           years of age by any person;  
6           2.   "Child neglect" means the willful or malicious neglect, as  
7           defined by Section 1-1-105 of Title 10A of the Oklahoma Statutes,  
8           of a child under eighteen (18) years of age by a person responsible  
9           for a child's health, safety or welfare;  
10          3.   "Child sexual abuse" means the willful or malicious sexual  
11          abuse of a child under eighteen (18) years of age by a person  
12          responsible for a child's health, safety or welfare and includes,  
13          but is not limited to:  
14               a.   sexual intercourse,  
15               b.   penetration of the vagina or anus, however slight, by  
16               an inanimate object or any part of the human body not  
17               amounting to sexual intercourse,  
18               c.   sodomy,  
19               d.   incest, or  
20               e.   a lewd act or proposal, as defined in this section;  
21          4.   "Child sexual exploitation" means the willful or malicious  
22          sexual exploitation of a child under eighteen (18) years of age by  
23          another and includes, but is not limited to:  
24               a.   human trafficking, as provided for in Section 748 of  
25               this title, if the offense involved child trafficking  
26               for commercial sex,  
27               b.   trafficking in children, as provided for in Section  
28               866 of this title, if the offense was committed for  
29               the sexual gratification of any person,  
30               c.   procuring or causing the participation of a minor in  
31               child pornography, as provided for in Section 1021.2  
32               of this title,  
33               d.   purchase, procurement or possession of child  
34               pornography, as provided for in Section 1024.2 of  
35               this title,  
36               e.   engaging in or soliciting prostitution, as provided  
37               for in Section 1029 of this title, if the offense  
38               involved child sex trafficking,  
39               f.   publication, distribution or participation in the  
40               preparation of obscene material, as provided for in  
41               Section 1040.8 of this title, if the offense involved  
42               child pornography,  
43               g.   aggravated possession of child pornography, as  
44               provided for in Section 1040.12a of this title,  
45               h.   sale or distribution of obscene material, as provided  
46               for in Section 1040.13 of this title,

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Amendment Cycle Extended

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Secondary Amendment

1 i. soliciting sexual conduct or communication with a  
2 minor by use of technology, as provided for in  
3 Section 1040.13a of this title,  
4 j. offering or transporting a child for purposes of  
5 child sex trafficking, as provided for in Section  
6 1087 of this title, and  
7 k. child sex trafficking, as provided for in Section  
8 1088 of this title;  
9 5. "Enabling child abuse" means the causing, procuring or  
10 permitting of child abuse by a person responsible for a child's  
11 health, safety or welfare;  
12 6. "Enabling child neglect" means the causing, procuring or  
13 permitting of child neglect by a person responsible for a child's  
14 health, safety or welfare;  
15 7. "Enabling child sexual abuse" means the causing, procuring  
16 or permitting of child sexual abuse by a person responsible for a  
17 child's health, safety or welfare;  
18 8. "Enabling child sexual exploitation" means the causing,  
19 procuring or permitting of child sexual exploitation by a person  
20 responsible for a child's health, safety or welfare;  
21 9. "Incest" means marrying, committing adultery or fornicating  
22 with a child by a person responsible for the health, safety or  
23 welfare of a child;  
24 10. "Lewd act or proposal" means:  
25 a. making any oral, written or electronic or computer-  
26 generated lewd or indecent proposal to a child for  
27 the child to have unlawful sexual relations or sexual  
28 intercourse with any person,  
29 b. looking upon, touching, mauling or feeling the body  
30 or private parts of a child in a lewd or lascivious  
31 manner or for the purpose of sexual gratification,  
32 c. asking, inviting, enticing or persuading any child to  
33 go alone with any person to a secluded, remote or  
34 secret place for a lewd or lascivious purpose,  
35 d. urinating or defecating upon a child or causing,  
36 forcing or requiring a child to defecate or urinate  
37 upon the body or private parts of another person for  
38 the purpose of sexual gratification,  
39 e. ejaculating upon or in the presence of a child,  
40 f. causing, exposing, forcing or requiring a child to  
41 look upon the body or private parts of another person  
42 for the purpose of sexual gratification,  
43 g. causing, forcing or requiring any child to view any  
44 obscene materials, child pornography or materials  
45 deemed harmful to minors as such terms are defined in  
46 Sections 1024.1 and 1040.75 of this title,

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Amendment Cycle Extended

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Secondary Amendment

1 h. causing, exposing, forcing or requiring a child to  
2 look upon sexual acts performed in the presence of  
3 the child for the purpose of sexual gratification, or  
4 i. causing, forcing or requiring a child to touch or  
5 feel the body or private parts of the child or  
6 another person for the purpose of sexual  
7 gratification;  
8 11. "Permit" means to authorize or allow for the care of a  
9 child by an individual when the person authorizing or allowing such  
10 care knows or reasonably should know that the child will be placed  
11 at risk of the conduct or harm proscribed by this section;  
12 12. "Person responsible for a child's health, safety or  
13 welfare" for purposes of this section shall include, but not be  
14 limited to:  
15 a. the parent of the child,  
16 b. the legal guardian of the child,  
17 c. the custodian of the child,  
18 d. the foster parent of the child,  
19 e. a person eighteen (18) years of age or older with  
20 whom the parent of the child cohabitates, who is at  
21 least three (3) years older than the child,  
22 f. any other person eighteen (18) years of age or older  
23 residing in the home of the child, who is at least  
24 three (3) years older than the child,  
25 g. an owner, operator, agent, employee or volunteer of a  
26 public or private residential home, institution,  
27 facility or day treatment program, as defined in  
28 Section 175.20 of Title 10 of the Oklahoma Statutes,  
29 that the child attended,  
30 h. an owner, operator, agent, employee or volunteer of a  
31 child care facility, as defined in Section 402 of  
32 Title 10 of the Oklahoma Statutes, that the child  
33 attended,  
34 i. an intimate partner of the parent of the child, as  
35 defined in Section 60.1 of Title 22 of the Oklahoma  
36 Statutes, or  
37 j. a person who has voluntarily accepted responsibility  
38 for the care or supervision of a child;  
39 13. "Sexual intercourse" means the actual penetration, however  
40 slight, of the vagina or anus by the penis; and  
41 14. "Sodomy" means:  
42 a. penetration, however slight, of the mouth of the  
43 child by a penis,  
44 b. penetration, however slight, of the vagina of a  
45 person responsible for a child's health, safety or  
46 welfare, by the mouth of a child,

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Secondary Amendment

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

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Secondary Amendment