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STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 2798 By: Hasenbeck of the Hou

By: Hasenbeck of the House

and

Alvord of the Senate

AS INTRODUCED

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.

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.

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

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

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

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

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

23 B. 1. Every person having reason to believe that a child under
24 the age of eighteen (18) years is a victim of abuse or neglect shall

1 report the matter immediately to the Department of Human Services.
2 Reports shall be made to the hotline provided for in subsection A of
3 this section. Any allegation of abuse or neglect reported in any
4 manner to a county office shall immediately be referred to the
5 hotline by the Department. Provided, however, that in actions for
6 custody by abandonment, provided for in Section 2-117 of Title 30 of
7 the Oklahoma Statutes, there shall be no reporting requirement.

8 2. a. Every school employee having reason to believe that a
9 student under the age of eighteen (18) years is a
10 victim of abuse or neglect shall report the matter
11 immediately to the Department of Human Services and
12 local law enforcement. Reports to the Department
13 shall be made to the hotline provided for in
14 subsection A of this section. Any allegation of abuse
15 or neglect reported in any manner to a county office
16 shall immediately be referred to the hotline by the
17 Department. Provided, however, that in actions for
18 custody by abandonment, provided for in Section 2-117
19 of Title 30 of the Oklahoma Statutes, there shall be
20 no reporting requirement.

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

1 c. In reports required by subparagraph a or b of this
2 paragraph, local law enforcement shall keep
3 confidential and redact any information identifying
4 the reporting school employee unless otherwise ordered
5 by the court. A school employee with knowledge of a
6 report required by subparagraph a or b of this
7 paragraph shall not disclose information identifying
8 the reporting school employee unless otherwise ordered
9 by the court or as part of an investigation by local
10 law enforcement or the Department.

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

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

22 5. The reporting obligations under this section are individual,
23 and no employer, supervisor, administrator, governing body or entity
24 shall interfere with the reporting obligations of any employee or

1 other person or in any manner discriminate or retaliate against the
2 employee or other person who in good faith reports suspected child
3 abuse or neglect, or who provides testimony in any proceeding
4 involving child abuse or neglect. Any employer, supervisor,
5 administrator, governing body or entity who discharges,
6 discriminates or retaliates against the employee or other person
7 shall be liable for damages, costs and attorney fees. If a child
8 who is the subject of the report or other child is harmed by the
9 discharge, discrimination or retaliation described in this
10 paragraph, the party harmed may file an action to recover damages,
11 costs and attorney fees.

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

23 C. ~~Any~~ Except as provided in Section 2 of this act, any person
24 who knowingly and willfully fails to promptly report suspected child

1 abuse or neglect or who interferes with the prompt reporting of
2 suspected child abuse or neglect may be reported to local law
3 enforcement for criminal investigation and, upon conviction thereof,
4 shall be guilty of a misdemeanor. ~~Any~~ Except as provided in Section
5 2 of this act, any person with prolonged knowledge of ongoing child
6 abuse or neglect who knowingly and willfully fails to promptly
7 report such knowledge may be reported to local law enforcement for
8 criminal investigation and, upon conviction thereof, shall be guilty
9 of a felony. For the purposes of this paragraph, "prolonged
10 knowledge" shall mean knowledge of at least six (6) months of child
11 abuse or neglect.

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

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

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

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

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

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

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

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

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

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

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

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

10 1. Child abuse as defined in Section 843.5 of Title 21 of the
11 Oklahoma Statutes;

12 2. Sexual abuse or sexual exploitation as defined in Section 1-
13 1-105 of Title 10A of the Oklahoma Statutes;

14 3. Contributing to the delinquency of a minor as defined in
15 Section 856 of Title 21 of the Oklahoma Statutes;

16 4. Trafficking in children, as defined in Section 866 of Title
17 21 of the Oklahoma Statutes;

18 5. Incest as described in Section 885 of Title 21 of the
19 Oklahoma Statutes;

20 6. Forcible sodomy, as described in Section 888 of Title 21 of
21 the Oklahoma Statutes;

22 7. Maliciously, forcibly or fraudulently taking or enticing a
23 child away, as described in Section 891 of Title 21 of the Oklahoma
24 Statutes;

1 8. Soliciting or aiding a minor child to perform or showing,
2 exhibiting, loaning or distributing obscene material or child sexual
3 abuse material, as described in Section 1021 of Title 21 of the
4 Oklahoma Statutes;

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

9 10. Permitting or consenting to the participation of a minor
10 child in any child sexual abuse material, as described in Section
11 1021.3 of Title 21 of the Oklahoma Statutes;

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

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

18 13. Causing, inducing, persuading or encouraging a minor child
19 to engage or continue to engage in prostitution, as described in
20 Section 1088 of Title 21 of the Oklahoma Statutes;

21 14. Rape or rape by instrumentation, as described in Sections
22 1111.1 and 1114 of Title 21 of the Oklahoma Statutes; ~~and~~

23 15. Making any oral, written or electronically or computer-
24 generated lewd or indecent proposals to a minor child under the age

1 of sixteen (16) as described in Section 1123 of Title 21 of the
2 Oklahoma Statutes; and

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

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

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11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
12 OVERSIGHT, dated 03/04/2025 - DO PASS, As Coauthored.