

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2798

By: Hasenbeck

6 AS INTRODUCED

7 An Act relating to reporting requirements; amending  
8 10A O.S. 2021, Section 1-2-101, which relates to the  
duty to report abuse or neglect; providing statutory  
9 reference; making certain acts unlawful; providing  
penalties; defining term; amending 70 O.S. 2021,  
10 Section 1210.163, as amended by Section 46, Chapter  
11 59, O.S.L. 2024 (70 O.S. Supp. 2024, Section  
12 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.

13  
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

20  
21 2. The Department shall provide hotline-specific training  
22 including, but not limited to, interviewing skills, customer service  
23 skills, narrative writing, necessary computer systems, making case  
24 determinations, and identifying priority situations.

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

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

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

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

19       B. 1. Every person having reason to believe that a child under  
20 the age of eighteen (18) years is a victim of abuse or neglect shall  
21 report the matter immediately to the Department of Human Services.  
22 Reports shall be made to the hotline provided for in subsection A of  
23 this section. Any allegation of abuse or neglect reported in any  
24 manner to a county office shall immediately be referred to the

1      hotline by the Department. Provided, however, that in actions for  
2      custody by abandonment, provided for in Section 2-117 of Title 30 of  
3      the Oklahoma Statutes, there shall be no reporting requirement.

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

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

21                  c.    In reports required by subparagraph a or b of this  
22                       paragraph, local law enforcement shall keep  
23                       confidential and redact any information identifying  
24                       the reporting school employee unless otherwise ordered

1 by the court. A school employee with knowledge of a  
2 report required by subparagraph a or b of this  
3 paragraph shall not disclose information identifying  
4 the reporting school employee unless otherwise ordered  
5 by the court or as part of an investigation by local  
6 law enforcement or the Department.

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

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

18 5. The reporting obligations under this section are individual,  
19 and no employer, supervisor, administrator, governing body or entity  
20 shall interfere with the reporting obligations of any employee or  
21 other person or in any manner discriminate or retaliate against the  
22 employee or other person who in good faith reports suspected child  
23 abuse or neglect, or who provides testimony in any proceeding  
24 involving child abuse or neglect. Any employer, supervisor,

1 administrator, governing body or entity who discharges,  
2 discriminates or retaliates against the employee or other person  
3 shall be liable for damages, costs and attorney fees. If a child  
4 who is the subject of the report or other child is harmed by the  
5 discharge, discrimination or retaliation described in this  
6 paragraph, the party harmed may file an action to recover damages,  
7 costs and attorney fees.

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

19       C. Any Except as provided in Section 2 of this act, any person  
20 who knowingly and willfully fails to promptly report suspected child  
21 abuse or neglect or who interferes with the prompt reporting of  
22 suspected child abuse or neglect may be reported to local law  
23 enforcement for criminal investigation and, upon conviction thereof,  
24 shall be guilty of a misdemeanor. Any Except as provided in Section

1    2 of this act, any person with prolonged knowledge of ongoing child  
2    abuse or neglect who knowingly and willfully fails to promptly  
3    report such knowledge may be reported to local law enforcement for  
4    criminal investigation and, upon conviction thereof, shall be guilty  
5    of a felony. For the purposes of this paragraph, "prolonged  
6    knowledge" shall mean knowledge of at least six (6) months of child  
7    abuse or neglect.

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

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

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

1 SECTION 2. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 593 of Title 21, unless there is  
3 created a duplication in numbering, reads as follows:

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

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

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

21       Section 1210.163. A. Every school employee having reason to  
22 believe that a student under the age of eighteen (18) years is a  
23 victim of abuse or neglect shall report the matter immediately to  
24 the Department of Human Services and local law enforcement. Reports

1 to the Department shall be made to the hotline provided for in  
2 Section 1-2-101 of Title 10A of the Oklahoma Statutes. Any  
3 allegation of abuse or neglect reported in any manner to a county  
4 office shall immediately be referred to the hotline by the  
5 Department.

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

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

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

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

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

5           2. Sexual abuse or sexual exploitation as defined in Section 1-  
6 1-105 of Title 10A of the Oklahoma Statutes;

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

9           4. Trafficking in children, as defined in Section 866 of Title  
10 21 of the Oklahoma Statutes;

11           5. Incest as described in Section 885 of Title 21 of the  
12 Oklahoma Statutes;

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

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

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

22           9. Procuring or causing the participation of any minor child in  
23 any child sexual abuse material or knowingly possessing, procuring

1 or manufacturing child sexual abuse material, as described in  
2 Section 1021.2 of Title 21 of the Oklahoma Statutes;

3       10. Permitting or consenting to the participation of a minor  
4 child in any child sexual abuse material, as described in Section  
5 1021.3 of Title 21 of the Oklahoma Statutes;

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

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

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

15       14. Rape or rape by instrumentation, as described in Sections  
16 1111.1 and 1114 of Title 21 of the Oklahoma Statutes; and

17       15. Making any oral, written or electronically or computer-  
18 generated lewd or indecent proposals to a minor child under the age  
19 of sixteen (16) as described in Section 1123 of Title 21 of the  
20 Oklahoma Statutes; and

21       16. Sexual battery, when committed upon a person who is at  
22 least sixteen (16) years of age and is less than twenty (20) years  
23 of age and is a student, or in the legal custody or supervision of  
24 any public or private elementary or secondary school, or technology

1    center school, by a person who is eighteen (18) years of age or  
2    older and is an employee of a school system.

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

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5                60-1-10750          GRS          01/16/25

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