

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2604

By: Echols

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5  
6 AS INTRODUCED

7 An Act relating to children; amending 10A O.S. 2011,  
8 Section 1-2-108, as amended by Section 1, Chapter 29,  
9 O.S.L. 2015 (10A O.S. Supp. 2018, Section 1-2-108),  
10 which relates to the Department of Human Services  
11 statewide central registry; directing Department to  
12 create a perpetrator registry; specifying date for  
13 registry creation; listing contents of registry;  
14 requiring notice be given to perpetrator; providing  
15 for administrative hearing to review decision;  
16 requiring removal if perpetrator poses no risk of  
17 harm or threatened harm to children; prescribing  
18 confidentiality of registry; authorizing disclosure  
19 of registry information to employer or volunteer  
20 organization; limiting information for disclosure;  
21 directing Department to promulgate rules for  
22 registry; and providing an effective date.

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

24 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-2-108, as  
amended by Section 1, Chapter 29, O.S.L. 2015 (10A O.S. Supp. 2018,  
Section 1-2-108), is amended to read as follows:

Section 1-2-108 A. There is hereby established within the  
Department of Human Services an information system for the  
maintenance of all reports of child abuse, sexual abuse, sexual

1 exploitation, and neglect made pursuant to the provisions of the  
2 Oklahoma Children's Code.

3 B. The Children and Family Services Division of the Department  
4 shall be responsible for maintaining a suitably cross-indexed system  
5 of all the reports.

6 C. The records maintained shall contain, but shall not be  
7 limited to:

8 1. All information in the written report required by Section 1-  
9 2-101 of this title;

10 2. A record of the final disposition of the report including  
11 services offered and services accepted;

12 3. The plan for rehabilitative treatment; and

13 4. Any other relevant information.

14 D. Data and information maintained and related to individual  
15 cases shall be confidential ~~and shall be made available only~~ except  
16 as authorized by state or federal law.

17 E. The ~~Commission for~~ Department of Human Services shall  
18 promulgate rules governing the availability of such data and  
19 information.

20 F. Rules promulgated by the ~~Commission~~ Department shall  
21 encourage cooperation with other states in exchanging reports in  
22 order to effect a national registration system.

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1 G. No person shall allow the data and information maintained to  
2 be released except as authorized by ~~Chapter VI of the Oklahoma~~  
3 ~~Children's Code~~ law.

4 H. Records obtained by the Department shall be maintained by  
5 the Department until otherwise provided by law.

6 I. Beginning January 1, 2020, the Department shall create a  
7 perpetrator registry which shall contain records of all reports in  
8 which allegations of child abuse, sexual abuse, sexual exploitation  
9 and neglect made on or after January 1, 2020, pursuant to the  
10 Oklahoma Children's Code are determined after investigation to be  
11 substantiated.

12 1. The perpetrator registry shall identify the perpetrator of  
13 each substantiated report of child abuse, sexual abuse, sexual  
14 exploitation or neglect and shall include the name, date of birth,  
15 address and other identifying information of the perpetrator. The  
16 Department shall notify the perpetrator that his or her information  
17 is being added to the perpetrator registry and the perpetrator may  
18 request an administrative hearing within thirty (30) days to review  
19 the decision. If the hearing officer determines the perpetrator  
20 poses no risk of harm or threatened harm to the health or safety of  
21 a child, the perpetrator's information shall be removed from the  
22 registry.

23 2. Information placed in the perpetrator registry shall be  
24 confidential and may only be disclosed to an employer or volunteer

1 organization for purposes of screening an applicant, employee or  
2 volunteer who is or who will be coming into contact with children in  
3 the course of employment or volunteering. The information subject  
4 to disclosure to an employer or volunteer organization is limited  
5 to:

- 6       a. confirmation that the applicant, employee or volunteer  
7       has a substantiated report,
- 8       b. the date the investigation was completed, and
- 9       c. the type of substantiated report.

10       3. The Department shall promulgate rules necessary to create a  
11 perpetrator registry pursuant to this subsection.

12       SECTION 2. This act shall become effective November 1, 2019.

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14       57-1-7305       EK       01/05/19

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