

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 392

By: Loveless

4  
5 AS INTRODUCED

6 An Act relating to school employees; prohibiting a  
7 school district employee from assisting another  
8 school district employee in obtaining a new job if it  
9 is believed that certain employee engaged in certain  
10 behavior; providing exceptions for prohibition;  
11 providing for due process upon loss of employment;  
12 providing for codification; providing an effective  
13 date; and declaring an emergency.

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

15 SECTION 1. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 6-101.33 of Title 70, unless  
17 there is created a duplication in numbering, reads as follows:

18 A. A school district employee shall be prohibited from  
19 assisting another school district employee in obtaining a new job in  
20 another school district within the State of Oklahoma if the employee  
21 knows or has reason to believe that the employee seeking a new job  
22 engaged in behavior that would form the basis for criminal charges  
23 as provided for in Section 843.5 of Title 21 of the Oklahoma  
24 Statutes if the offense involved sexual abuse or sexual exploitation  
as those terms are defined in Section 1-1-105 of Title 10A of the

1 Oklahoma Statutes; Sections 741, 843.1, if the offense included  
2 sexual abuse or sexual exploitation; 865 et seq., 885, 888, 891,  
3 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of  
4 Title 21 of the Oklahoma Statutes.

5 B. The prohibition in subsection A of this section shall not  
6 apply if:

7 1. The school district employee is engaged in the routine  
8 transmission of administrative or personnel files;

9 2. a. the behavior described in subsection A of this section  
10 has been reported to a law enforcement agency with  
11 jurisdiction over the alleged behavior, and

12 b. the matter has been officially closed or the district  
13 attorney or law enforcement agency with jurisdiction  
14 over the alleged behavior has investigated the  
15 allegations and notified the employing school district  
16 that there is insufficient information to establish  
17 probable cause that the school district employee  
18 engaged in behavior described in subsection A of this  
19 section;

20 3. The school district employee has been charged with and  
21 acquitted or otherwise exonerated of the alleged behavior described  
22 in subsection A of this section; or

23 4. The case or investigation remains open and there have been  
24 no charges filed against the school district employee and no

1 indictment of the school district employee within four (4) years of  
2 the date on which the behavior was reported to a law enforcement  
3 agency.

4 C. In the event that loss of employment occurs as a result of  
5 the commission of acts prohibited by this section, a school employee  
6 shall be entitled to due process as provided for by Sections 6-  
7 101.13, 6-101.26 and 6-101.46 of Title 70 of the Oklahoma Statutes.

8 SECTION 2. This act shall become effective July 1, 2017.

9 SECTION 3. It being immediately necessary for the preservation  
10 of the public peace, health and safety, an emergency is hereby  
11 declared to exist, by reason whereof this act shall take effect and  
12 be in full force from and after its passage and approval.

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