

1 **SENATE FLOOR VERSION**

2 February 13, 2017

3 **AS AMENDED**

4 SENATE BILL NO. 392

5 By: Loveless

6 [school employees - new job - exceptions - due
7 process - codification - ~~effective date~~ -
8 **emergency**]

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

14 A. A school district employee shall be prohibited from
15 assisting another school district employee in obtaining a new job in
16 another school district within the State of Oklahoma if the employee
17 knows or has reason to believe that the employee seeking a new job
18 engaged in behavior that would form the basis for criminal charges
19 as provided for in Section 843.5 of Title 21 of the Oklahoma
20 Statutes if the offense involved sexual abuse or sexual exploitation
21 as those terms are defined in Section 1-1-105 of Title 10A of the
22 Oklahoma Statutes; Sections 741, 843.1, if the offense included
23 sexual abuse or sexual exploitation; 865 et seq., 885, 888, 891,
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1 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of
2 Title 21 of the Oklahoma Statutes.

3 B. The prohibition in subsection A of this section shall not
4 apply if:

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

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

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

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

21 4. The case or investigation remains open and there have been
22 no charges filed against the school district employee and no
23 indictment of the school district employee within four (4) years of
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1 the date on which the behavior was reported to a law enforcement
2 agency.

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

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
13 February 13, 2017 - DO PASS AS AMENDED

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