

ENGROSSED HOUSE
BILL NO. 1446

BY: BRYANT of the HOUSE

and

WILLIAMS (Penny) of the
SENATE

AN ACT RELATING TO CRIMES AND PUNISHMENTS; AMENDING
SECTION 2, CHAPTER 165, O.S.L. 1990 (21 O.S. SUPP.
1990, SECTION 852.1), WHICH RELATES TO CHILD
ENDANGERMENT; MODIFYING THE OFFENSE OF CHILD
ENDANGERMENT; ELIMINATING CERTAIN AFFIRMATIVE
DEFENSES; DEFINING TERMS; AND PROVIDING AN
EFFECTIVE DATE.

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

SECTION 1. AMENDATORY Section 2, Chapter 165, O.S.L.
1990 (21 O.S. Supp. 1990, Section 852.1), is amended to read as
follows:

Section 852.1 A. A person who is the parent, guardian, or
person having custody or control over a child as defined in Section
1101 of Title 10 of the Oklahoma Statutes, ~~commits child~~
~~endangerment when the person~~ and who knowingly acts in a manner
likely to be injurious to the child or that creates a substantial
risk of great bodily or mental injury to the child or who knowingly
permits physical or sexual abuse of ~~a~~ the child, commits the offense
of child endangerment. However, it is an affirmative defense to
this paragraph if the person had a reasonable apprehension that any

action to stop the abuse would result in substantial bodily harm to the person or the child.

B. The provisions of this section shall not apply to any parent, guardian or other person having custody or control of a child for the sole reason that the parent, guardian or other person in good faith selects and depends upon spiritual means or prayer for the treatment or cure of disease or remedial care for such child. This subsection shall in no way limit or modify the protections afforded said child in Section 852 of Title 21 or Section 1130 of Title 10 of the Oklahoma Statutes. For purposes of this section, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

For purposes of this section, "mental injury" means injury which creates a substantial risk of loss of sanity.

C. Any person convicted of ~~violating any provision~~ the offense of child endangerment pursuant to the provisions of this section shall be guilty of a felony, punishable by imprisonment for not more than four (4) years in the State Penitentiary or by the imposition of a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

SECTION 2. This act shall become effective September 1, 1991.

Passed the House of Representatives the 7th day of March, 1991.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate

