

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1147

By: Bryant (John)

COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 852.1, which relates to child endangerment; modifying the offense of child endangerment; defining terms; modifying penalty; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, 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.

C. For purposes of this section:

1. "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; and

2. "Mental injury" means injury whereby the child is afflicted with a substantial disorder of the emotional processes, thought, or cognition which grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the demands of life appropriate to the age of the child.

D. Any person convicted of ~~violating any provision~~ the offense of child endangerment pursuant to the provisions of this section shall be guilty of a:

1. A misdemeanor, on a first offense if the child has not sustained great bodily or mental injury due to the offense, punishable by imprisonment in the county jail for not more than one (1) year, or by the imposition of a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment;
or

2. A felony, on a second or subsequent offense or on a first offense if the child has sustained great bodily or mental injury due to the offense, 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, 1993.

44-1-6175

MCD