

SHORT TITLE: Runaway children; adding runaway child to crime of contributing to delinquency; criminalizing harbouring certain runaway children; codification; effective date; emergency.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 74

By: Cole

AS INTRODUCED

An Act relating to runaway children; amending 21 O.S. 1991, Section 856, as last amended by Section 1, Chapter 212, O.S.L. 1993 (21 O.S. Supp. 1994, Section 856), which relates to contributing to the delinquency of minors; adding runaway child to crime of contributing to delinquency; providing definitions; criminalizing harbouring certain runaway children; providing penalty; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 856, as last amended by Section 1, Chapter 212, O.S.L. 1993 (21 O.S. Supp. 1994, Section 856), is amended to read as follows:

Section 856. A. 1. Except as otherwise specifically provided by law, every person who shall knowingly or willfully cause, aid, abet or encourage a minor to be, to remain, or to become a delinquent child or a runaway child, upon conviction, shall, for the first offense, be guilty of a misdemeanor ~~and~~ punishable by imprisonment in a county jail not to exceed one (1) year, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

2. For purposes of prosecution under this subsection, a "runaway child" means an unemancipated minor who is voluntarily

absent from the home for forty-eight (48) hours or more without the consent of a parent or other custodial adult and no person has notified the parent or custodial adult of the place where the child may be found.

B. Every person convicted of a second or any succeeding violation of this ~~act~~ section shall be guilty of a felony and punishable by imprisonment in the State Penitentiary not to exceed three (3) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

C. Every person eighteen (18) years of age or older who shall knowingly or willfully cause, aid, abet or encourage a minor to commit or participate in committing an act that would be a felony if committed by an adult shall, upon conviction, be guilty of a felony punishable by the maximum penalty allowed for conviction of the offense or offenses which the person caused, aided, abetted or encouraged the minor to commit or participate in committing.

D. Every person who shall knowingly or willfully cause, aid, abet, encourage, solicit or recruit a minor to participate, join, or associate with any criminal street gang, as defined by subsection F of this section, or any gang member for the purpose of committing any criminal act shall, upon conviction, be guilty of a felony punishable by imprisonment in the State Penitentiary for a term not to exceed one (1) year, or a fine not to exceed Three Thousand Dollars (\$3,000.00), or both such fine and imprisonment.

E. Every person convicted of a second or subsequent violation of subsection D of this section shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a term not to exceed five (5) years or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

F. "Criminal street gang" means any ongoing organization, association, or group of five or more persons that specifically either promotes, sponsors, or assists in, or participates in, and

requires as a condition of membership or continued membership, the commission of one or more of the following criminal acts:

1. Assault, battery, or assault and battery with a deadly weapon, as defined in Section 645 of this title;
2. Aggravated assault and battery as defined by Section 646 of this title;
3. Robbery by force or fear, as defined in Sections 791 through 797 of this title;
4. Robbery or attempted robbery with a dangerous weapon or imitation firearm, as defined by Section 801 of this title;
5. Unlawful homicide or manslaughter, as defined in Sections 691 through 722 of this title;
6. The sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled dangerous substances, as defined in Section 2-101 et seq. of Title 63 of the Oklahoma Statutes;
7. Trafficking in illegal drugs, as provided for in the Trafficking in Illegal Drugs Act, Section 2-414 of Title 63 of the Oklahoma Statutes;
8. Arson, as defined in Sections 1401 through 1403 of this title;
9. The influence or intimidation of witnesses and jurors, as defined in Sections 388, 455 and 545 of this title;
10. Theft of any vehicle, as described in Section 1720 of this title;
11. Rape, as defined in Section 1111 of this title;
12. Extortion, as defined in Section 1481 of this title;
13. Transporting a loaded firearm in a motor vehicle, in violation of Section 1289.13 of this title;
14. Transporting a weapon in, or discharging a weapon from, a boat, in violation of Section 1289.14 of this title;

15. Possession of a concealed weapon, as defined by Section 1289.8 of this title; or

16. Shooting or discharging a firearm, as defined by Section 652 of this title.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 856.2 of Title 21, unless there is created a duplication in numbering, reads as follows:

It shall be unlawful for any person to knowingly and willfully harbour an endangered runaway child. Any person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment not exceeding three (3) years, or by both such fine and imprisonment. For purposes of this section, an "endangered runaway child" means an unemancipated minor who is voluntarily absent from the home for seventy-two (72) hours or more without the consent of a parent or other custodial adult and no person has notified the parent or custodial adult of the place where the child may be found.

SECTION 3. This act shall become effective July 1, 1995.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-1-0295

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