

ENGROSSED HOUSE
BILL NO. 2148

By: Winchester, Adair, Adkins,
Askins, Benge, Bryant,
Claunch, Dank, Easley,
Glover, Greenwood,
Hastings, Hiett, Ingmire,
Jones, Kirby, Leist,
Lindley, Liotta, Nance,
Nations, Ostrander, Paulk,
Piatt, Reese, Roach,
Roberts, Roggow, Smith
(Dale), Webb and Wright of
the House

and

Cain of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 851, as last amended by Section 154, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 1999, Section 851), which relates to desertion of children under ten years of age; establishing affirmative defense under certain circumstances; 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 851, as last amended by Section 154, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 1999, Section 851), is amended to read as follows:

Section 851. A. Any parent of any child or children under the age of ten (10) years, and every person to whom such child or children have been confided for nurture or education, who deserts such child or children within the State of Oklahoma, or takes such child or children without the State of Oklahoma, with the intent wholly to abandon ~~it~~ the child or children shall be deemed guilty of a felony and, upon conviction thereof shall be punished by imprisonment in the State Penitentiary for any period of time not less than one (1) year nor more than ten (10) years.

B. It shall be an affirmative defense to prosecution under subsection A of this section that a parent of a child less than seventy-two (72) hours old, voluntarily delivered the child to a medical facility and deserted the child with a reasonable expectation that the child would be found. For purposes of this section, "medical facility" shall mean any structure or area in a safe and secure place and manner within the immediate vicinity of the entrance of a structure comprising the workplace of persons who provide medical services of any type.

SECTION 2. This act shall become effective July 1, 2000.

SECTION 3. 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.

Passed the House of Representatives the 1st day of March, 2000.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 2000.

President of the Senate