

ENGROSSED HOUSE AMENDMENT

TO

ENGROSSED SENATE BILL NO. 1172

By: Corn and Gumm of the  
Senate

and

Smithson of the House

( crimes and punishments - endangerment - manufacture  
of methamphetamine near school - penalties -  
codification -  
emergency )

AUTHORS: Add the following House Coauthors: Peters, Boren,  
Brannon, Ellis, Lamons, Balkman, Dorman and Nance

AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert

"An Act relating to crimes and punishments; amending  
21 O.S. 2001, Section 852.1, which relates to child  
endangerment; creating a rebuttable presumption for  
child's presence; prohibiting exhibition of certain  
material within a motor vehicle if the material is  
visible outside of the vehicle; defining terms;  
setting penalties; providing for codification; and  
declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, 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  
7001-1.3 of Title 10 of the Oklahoma Statutes, commits child  
endangerment when the person knowingly permits physical or sexual  
abuse of a child or who knowingly permits a child to be present at a  
location where a controlled dangerous substance is being

manufactured or attempted to be manufactured as defined in Section 2-101 of Title 63 of the Oklahoma Statutes. 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 this title or Section 7006-1.1 of Title 10 of the Oklahoma Statutes.

C. Any person convicted of violating any provision 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.

D. Tangible evidence of the presence of a child in any place where methamphetamine is being manufactured gives rise to rebuttable presumption that a child was present in such place in violation of this section.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1040.55 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. No material which is harmful to minors shall be exhibited on a television, monitor, or other viewing screen or surface, located within or on a motor vehicle, in any manner visible to any person outside the vehicle. As used in this subsection, "material" and "harmful to minors" shall have the same meaning as provided for in Section 1040.75 of Title 21 of the Oklahoma Statutes.

B. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and subject to a fine of not more than Five Hundred Dollars (\$500.00).

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 20th day of April, 2004.

\_\_\_\_\_  
Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Presiding Officer of the Senate