

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2741

By: Peterson (Pam)

COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending 21 O.S. 2001, Sections 691 and 715, as amended by Section 4, Chapter 200, O.S.L. 2005 (21 O.S. Supp. 2005, Section 715), which relate to definition of homicide and manslaughter in the first degree; expanding scope of certain definition; deleting penalty for certain prohibited act; repealing 21 O.S. 2001, Section 713, as amended by Section 3, Chapter 200, O.S.L. 2005 (21 O.S. Supp. 2005, Section 713), which relates to killing an unborn child; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 691, is amended to read as follows:

Section 691. A. Homicide is the killing of one human being by another.

B. As used in this section, "human being" includes an unborn child, as defined in Section 1-730 of Title 63 of the Oklahoma Statutes.

C. Homicide shall not include:

1. Acts which cause the death of an unborn child if those acts were committed during a legal abortion to which the pregnant woman consented; or

2. Acts which are committed pursuant to the usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

D. Under no circumstances shall the mother of the unborn child be prosecuted for causing the death of the unborn child unless the

mother has committed a crime that caused the death of the unborn child.

SECTION 2. AMENDATORY 21 O.S. 2001, Section 715, as amended by Section 4, Chapter 200, O.S.L. 2005 (21 O.S. Supp. 2005, Section 715), is amended to read as follows:

Section 715. ~~A. Except as provided in subsection B of this section, any~~ Any person guilty of manslaughter in the first degree shall be guilty of a felony punishable by imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections for not less than four (4) years.

~~B. Any person guilty of violating the provisions of Section 713 of this title shall be guilty of a felony punishable by imprisonment in the State Penitentiary for no more than life.~~

SECTION 3. REPEALER 21 O.S. 2001, Section 713, as amended by Section 3, Chapter 200, O.S.L. 2005 (21 O.S. Supp. 2005, Section 713), is hereby repealed.

SECTION 4. This act shall become effective November 1, 2006.

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