

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2586

By: Duncan

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 567A, which relates to violation of child custody order; modifying penalty; expanding scope of prohibited act; providing penalty for aggravated violation of child custody order; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 567A, is amended to read as follows:

Section 567A. A. Any parent or other person who violates an order of any court of this state granting the custody of a child under the age of eighteen (18) years to any person, agency, institution, or other facility, with the intent to deprive the lawful custodian of the custody of the child, shall, upon conviction, be guilty of a felony. The punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years and by a fine for a violation of this subsection shall of not exceed more than Five Thousand Dollars (\$5,000.00).

B. Any person who violates the provisions of subsection A of this section while having the intent to permanently deprive the lawful custodian of the custody of a child shall, upon conviction, be guilty of aggravated violation of a child custody order punishable by imprisonment in the custody of the Department of Corrections for not less than ten (10) years nor more than life.

C. The offender shall have an affirmative defense if the offender reasonably believes that the act was necessary to preserve the child from physical, mental, or emotional danger to the child's

welfare of the child and the offender notifies the local law enforcement agency nearest to the location where the custodian of the child resides.

~~C.~~ D. If a child is removed from the custody of the ~~child's~~ lawful custodian of the child pursuant to the provisions of this section any law enforcement officer may take the child into custody without a court order and, unless there is a specific court order directing a law enforcement officer to take the child into custody and release or return the child to a lawful custodian, the child shall be held in emergency or protective custody pursuant to the provisions of Section 7003-2.1 of Title 10 of the Oklahoma Statutes.

SECTION 2. This act shall become effective November 1, 2006.

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