

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2741

By: Peterson (Pam)

AS INTRODUCED

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

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

SECTION 1. AMENDATORY 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 amended to read as follows:

Section 713. A. Except as otherwise provided by law, any person who willfully kills an unborn child, as defined in Section 1-730 of Title 63 of the Oklahoma Statutes, shall, upon conviction, be guilty of a felony and, ~~upon conviction, shall be punished pursuant to the provisions of Section 715 of this title punishable by death or by imprisonment in the custody of the Department of Corrections for a term or life or life without parole.~~ punishable by death or by imprisonment in the custody of the Department of Corrections for a term or life or life without parole.

B. The provisions of this section shall not apply to:

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.

C. 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. This act shall become effective November 1, 2006.

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