

1 ENGROSSED SENATE  
2 BILL NO. 1103

By: Coffee, Gumm, Jolley and  
Lamb of the Senate

3 and

4 Thompson of the House

5  
6  
7 [ criminal procedure - Use of Force for the  
8 Protection of the Unborn Act - codification -  
9 effective date ]

10

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

12 SECTION 1. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 70 of Title 22, unless there is  
14 created a duplication in numbering, reads as follows:

15 This act may be known and shall be cited as the "Use of Force  
16 for the Protection of the Unborn Act".

17 SECTION 2. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 71 of Title 22, unless there is  
19 created a duplication in numbering, reads as follows:

20 The Legislature finds that:

21 1. Violence and abuse are often higher during pregnancy than  
22 during any other time in a woman's lifetime;

23 2. Women are more likely to suffer increased abuse as a result  
24 of unintended pregnancies;

1 3. Younger women are at a higher risk for pregnancy-associated  
2 homicide;

3 4. A pregnant or recently pregnant woman is more likely to be a  
4 victim of homicide than to die of any other cause;

5 5. Homicide and other violent crimes are the leading cause of  
6 death for women of reproductive age;

7 6. Husbands, ex-husbands or boyfriends are often the  
8 perpetrators of pregnancy-associated homicide or violence;

9 7. Moreover, when husbands, ex-husbands or boyfriends are  
10 involved, the violence is often directed at the unborn child and/or  
11 intended to end or jeopardize the pregnancy; and

12 8. Violence against a pregnant woman puts the life and bodily  
13 integrity of both the pregnant woman and the unborn child at risk.

14 SECTION 3. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 72 of Title 22, unless there is  
16 created a duplication in numbering, reads as follows:

17 As used in this section:

18 1. "Another" means a person other than the pregnant woman;

19 2. "Deadly force" means force which, under the circumstances in  
20 which it is used, is readily capable of causing death or serious  
21 physical harm;

22 3. "Force" means violence, compulsion, or constraint exerted  
23 upon or against another;

24

1 4. "Embryo" means a human embryo as defined in Section 1-728.1  
2 of Title 63 of the Oklahoma Statutes;

3 5. "Pregnant" means the female reproductive condition of having  
4 an unborn child in the woman's body;

5 6. "Unborn child" means the offspring of human beings from  
6 conception until birth; and

7 7. "Unlawful force" means force which is employed without the  
8 consent of the pregnant woman and which constitutes an offense under  
9 the criminal laws of this state or an actionable tort.

10 SECTION 4. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 73 of Title 22, unless there is  
12 created a duplication in numbering, reads as follows:

13 A. A pregnant woman is justified in using force or deadly force  
14 against another to protect her unborn child if:

15 1. Under the circumstances as the pregnant woman reasonably  
16 believes them to be, she would be justified in using force or deadly  
17 force to protect herself against the unlawful force or unlawful  
18 deadly force she reasonably believes to be threatening her unborn  
19 child; and

20 2. She reasonably believes that her intervention and use of  
21 force or deadly force are immediately necessary to protect her  
22 unborn child.

23 B. This affirmative defense to criminal liability does not apply  
24 to:

- 1 1. Acts committed by anyone other than the pregnant woman;
- 2 2. Acts where the pregnant woman would be obligated to retreat,
- 3 to surrender the possession of a thing, or to comply with a demand
- 4 before using force in self-defense. However, the pregnant woman is
- 5 not obligated to retreat before using force or deadly force to
- 6 protect her unborn child, unless she knows that she can thereby
- 7 secure the complete safety of her unborn child; or
- 8 3. The defense of human embryos existing outside of a woman's
- 9 body.

10 SECTION 5. This act shall become effective November 1, 2009.

11 Passed the Senate the 10th day of March, 2009.

12

13

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

14

15 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

16 2009.

17

18

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

19

20

21

22

23

24