

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 1103

By: Coffee

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6 AS INTRODUCED

7 An Act relating to criminal procedure; creating the
8 Use of Force for the Protection of the Unborn Act;
9 providing short title; stating legislative findings;
10 defining terms; stating circumstances under which
pregnant woman justified in using certain force;
limiting application of provisions; providing for
codification; and providing an effective date.

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

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

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

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

22 The Legislature finds that:

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

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

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

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

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

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

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

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

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

19 As used in this section:

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

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

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1 3. "Force" means violence, compulsion, or constraint exerted
2 upon or against another;

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

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

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

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

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

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

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

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

1 B. This affirmative defense to criminal liability does not apply
2 to:

3 1. Acts committed by anyone other than the pregnant woman;

4 2. Acts where the pregnant woman would be obligated to retreat,
5 to surrender the possession of a thing, or to comply with a demand
6 before using force in self-defense. However, the pregnant woman is
7 not obligated to retreat before using force or deadly force to
8 protect her unborn child, unless she knows that she can thereby
9 secure the complete safety of her unborn child; or

10 3. The defense of human embryos existing outside of a woman's
11 body.

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

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