

**BILL SUMMARY**  
1<sup>st</sup> Session of the 52<sup>nd</sup> Legislature

<b>Bill No.:</b>	<b>SB 1138</b>
<b>Version:</b>	<b>FA1</b>
<b>Author:</b>	<b>Representative Jeannie McDaniel</b> <b>Senator Easley</b>
<b>Date:</b>	<b>April 15, 2009</b>
<b>Impact:</b>	<b>Moderate to Large</b> <b>Increase in Prison Costs</b>

**Bill Summary**

Research Analyst: Brad Wolgamott

The Floor Substitute to Engrossed Senate Bill 1138 restores the title and modifies the crime of child endangerment by including knowingly permitting a child to be present in a vehicle when the person knows or should have known that the operator of the vehicle is under the influence of drugs or alcohol. Provides that it is child endangerment to operate a motor vehicle while under the influence of drugs or alcohol and transporting children. Provides the underlying fine imposed for DUI shall double if any person 18 years of age or over is convicted of operating a motor vehicle under the influence of alcohol and transporting children. Provides that any person refusing to allow his or her child to be transported by an intoxicated driver, shall have an affirmative defense to a contempt of court proceeding in a divorce or custody action.

**Fiscal Summary**

Fiscal Analyst: Marilyn Anderson

FA1 for SB 1138 makes knowingly permitting a child to be present in a vehicle when the operator is impaired by or under the influence of alcohol or other intoxicating substance an act of child endangerment. Persons convicted of DUI while transporting a child would also be guilty of felony child endangerment. The measure also doubles the fine, in addition to any other penalties, for persons convicted of DUI while transporting a child less than eighteen years of age.

**Fiscal Analysis**

According to the Oklahoma Criminal Justice Resource Center, the potential impact of SB 1138 cannot be quantified due to the lack of data on the occurrence of these crimes, but they estimate that it could have a moderate to large impact on prison costs.

**Long Term Fiscal Considerations**

None

Fiscal Analysis Reviewed By:

*Janice Buchanan*

House Fiscal Director