

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1440

By: Humphrey

AS INTRODUCED

An Act relating to crimes and punishments; making certain acts unlawful; establishing penalties; providing affirmative defense under certain circumstances; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 852.2 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Any person who knowingly, recklessly or intentionally causes or permits a child to be exposed to, to ingest or inhale, or to have contact with a controlled substance, chemical substance or drug paraphernalia, as defined in Section 2-101 Of Title 63 of the Oklahoma Statutes shall be guilty of the crime of chemical endangerment of a child. Any person convicted under the provisions of this subsection shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not more than two (2) years, or by a fine of not less than

1 Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine
2 and imprisonment.

3 B. Any person who violates the provisions of subsection A of
4 this section and a child suffers from a serious physical injury by
5 exposure to, ingestion of, inhalation of or contact with a
6 controlled substance, chemical substance or drug paraphernalia
7 shall, upon conviction, be guilty of a felony punishable by
8 imprisonment in the custody of the Department of Corrections for a
9 term of not less than four (4) years, or by a fine of not less than
10 Five Thousand Dollars (\$5,000.00), or by both such fine and
11 imprisonment.

12 C. Any person who violates the provisions of subsection A of
13 this section and the exposure to, ingestion of, inhalation of or
14 contact with a controlled substance, chemical substance or drug
15 paraphernalia results in the death of the child shall, upon
16 conviction, be guilty of a felony punishable by imprisonment in the
17 custody of the Department of Corrections for a term of not less than
18 ten (10) years, or by a fine of not less than Ten Thousand Dollars
19 (\$10,000.00), or by both such fine and imprisonment.

20 D. It is an affirmative defense to a violation of this section
21 that the controlled substance was provided by lawful prescription
22 for the child and was administered to the child in accordance with
23 the prescription instructions provided with the controlled
24 substance.

SECTION 2. This act shall become effective November 1, 2017.

56-1-5839 GRS 01/08/17