

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1407, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Dahm

Dahm-BG-FS-Req#3985
3/9/2020 2:57 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 1407

By: Dahm of the Senate

and

Gann of the House

FLOOR SUBSTITUTE

An Act relating to children; amending 10A O.S. 2011, Section 1-2-109, which relates to relinquishment of child to medical service provider or child rescuer; modifying age of applicable child; providing for installation of a newborn safety device; requiring certain testing; amending 21 O.S. 2011, Section 851, which relates to desertion of child as a felony; establishing an affirmative defense to prosecution; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-2-109, is amended to read as follows:

Section 1-2-109. A. A parent subject to the provisions of ~~this act~~ Section 1-1-101 et seq. of this title shall not be prosecuted for child abandonment or child neglect under the provisions of any statute which makes child abandonment or child neglect a crime, when the allegations of child abandonment or child neglect are based

1 solely on the relinquishment of a child ~~seven (7)~~ thirty (30) days
2 of age or younger to a medical services provider or a child rescuer
3 as defined in this section.

4 B. The following entities shall, without a court order, take
5 possession of a child ~~seven (7)~~ thirty (30) days of age or younger
6 if the child is voluntarily delivered to the entity by the parent of
7 the child and the parent did not express an intent to return for the
8 child:

9 1. A medical services provider; or

10 2. A child rescuer.

11 Delivery of the child may be effectuated by an in-person
12 transfer of the child to the medical services provider or child
13 rescuer or by leaving the child in a newborn safety device that is:

14 1. Voluntarily installed by the medical services provider or
15 child rescuer;

16 2. Physically located inside a police station, fire station,
17 child protective services agency, hospital or other medical
18 facility; and

19 3. Located in an area that is conspicuous and visible to the
20 employees of the police station, fire station, child protective
21 services agency, hospital or other medical facility.

22 C. Any entity identified in subsection B of this section to
23 which a parent seeks to relinquish a child pursuant to the
24 provisions of this section may:

1 1. Request, but not demand, any information about the child
2 that the parent is willing to share. The entity is encouraged to
3 ask about, but not demand, the details of any relevant medical
4 history relating to the child or the parents of the child. The
5 entity shall respect the wish of the parent if the parent desires to
6 remain anonymous; ~~and~~

7 2. Provide the parent with printed information relating to the
8 rights of the parents, including both parents, with respect to
9 reunification with the child and sources of counseling for the
10 parents, if desired; and

11 3. Install a newborn safety device. A medical services
12 provider or child rescuer that installs a newborn safety device
13 shall:

14 a. be responsible for the cost of the installation, and

15 b. install an adequate dual alarm system connected to the
16 physical location of the newborn safety device that
17 is:

18 (1) tested at least one (1) time per week to ensure
19 the alarm system is in working order, and

20 (2) visually checked at least two (2) times per day
21 to ensure the alarm system is in working order.

22 D. Once a child has been relinquished to any entity identified
23 in subsection B of this section, the entity receiving the child
24 shall:

1 1. Perform or provide for the performance of any act necessary
2 to protect the physical health or safety of the child; and

3 2. Notify the local office of the Department that a parent of a
4 child ~~seven (7)~~ thirty (30) days of age or younger, in the best
5 judgment of the receiving entity, has relinquished such child and
6 that the entity has taken possession of the child.

7 E. Upon being made aware that a medical services provider or
8 child rescuer has possession of a child under the provisions of this
9 act, the Department of Human Services shall immediately check with
10 law enforcement authorities to determine if a child has been
11 reported missing and whether the missing child could be the
12 relinquished child.

13 F. The Department shall design and disseminate:

14 1. A simplified form for the recording of medical or other
15 information that a relinquishing parent wishes to share with the
16 entity to whom the child is being relinquished;

17 2. Easily understood printed materials that give information
18 about parents' rights with regard to reunification with a child
19 including, but not limited to, information on how a parent can
20 contact the appropriate entity regarding reunification, and
21 information on sources of counseling for relinquishing parents; and

22 3. Media information, including printed material, that creates
23 public awareness about the provisions of ~~this act~~ Section 1-1-101 et
24 seq. of this title.

1 G. For purposes of this section:

2 1. "Medical services provider" means a person authorized to
3 practice the healing arts, including a physician's assistant or
4 nurse practitioner, a registered or practical nurse and a nurse
5 aide; and

6 2. "Child rescuer" means any employee or other designated
7 person on duty at a police station, fire station, child protective
8 services agency, hospital, or other medical facility.

9 H. A medical services provider or child rescuer with
10 responsibility for performing duties pursuant to this section shall
11 be immune from any criminal liability that might otherwise result
12 from the actions of the entity, if acting in good faith in receiving
13 a relinquished child. In addition, such medical provider or child
14 rescuer shall be immune from any civil liability that might
15 otherwise result from merely receiving a relinquished child.

16 SECTION 2. AMENDATORY 21 O.S. 2011, Section 851, is
17 amended to read as follows:

18 Section 851. A. Any parent of any child or children under the
19 age of ten (10) years, and every person to whom such child or
20 children have been confided for nurture or education, who deserts
21 such child or children within ~~the State of Oklahoma~~ this state, or
22 takes such child or children without ~~the State of Oklahoma~~ this
23 state, with the intent wholly to abandon it shall be deemed guilty
24 of a felony and, upon conviction thereof, shall be punished by

1 imprisonment in the State Penitentiary for any period of time not
2 less than one (1) year nor more than ten (10) years.

3 B. It is an affirmative defense to a prosecution under this
4 section that a parent voluntarily delivered a child under the age of
5 thirty (30) days to and left the child with a medical provider or
6 law enforcement agency, as provided in Section 1-2-109 of Title 10A
7 of the Oklahoma Statutes.

8 SECTION 3. This act shall become effective November 1, 2020.

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10 57-2-3985 BG 3/9/2020 2:57:01 PM
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