

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1549

By: Boren

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2021, Section 852.1, which relates to child endangerment; creating felony offense; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 852.1, is amended to read as follows:

Section 852.1. A. A person who is the parent, guardian, or person having custody or control over a child as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, commits child endangerment when the person:

1. Knowingly permits physical or sexual abuse of a child;
2. Knowingly permits a child to be present at a location where a controlled dangerous substance is being manufactured or attempted to be manufactured as defined in Section 2-101 of Title 63 of the Oklahoma Statutes;

1 3. Knowingly exposes a child to secondhand smoke of marijuana
2 or a drug or screening test of a child indicates the presence of
3 tetrahydrocannabinols;

4 4. Knowingly permits a child to be present in a vehicle when
5 the person knows or should have known that the operator of the
6 vehicle is impaired by or is under the influence of alcohol or
7 another intoxicating substance; or

8 ~~4.~~ 5. Is the driver, operator, or person in physical control of
9 a vehicle in violation of Section 11-902 of Title 47 of the Oklahoma
10 Statutes while transporting or having in the vehicle such child or
11 children.

12 However, it is an affirmative defense to this paragraph if the
13 person had a reasonable apprehension that any action to stop the
14 physical or sexual abuse or deny permission for the child to be in
15 the vehicle with an intoxicated person would result in substantial
16 bodily harm to the person or the child.

17 Nothing in this subsection shall prohibit the prosecution of a
18 person pursuant to the provisions of Section 11-902 or 11-904 of
19 Title 47 of the Oklahoma Statutes.

20 B. The provisions of this section shall not apply to any
21 parent, guardian or other person having custody or control of a
22 child for the sole reason that the parent, guardian or other person
23 in good faith selects and depends upon spiritual means or prayer for
24 the treatment or cure of disease or remedial care for such child.

1 This subsection shall in no way limit or modify the protections
2 afforded ~~said~~ such child in Section 852 of this title or Section 1-
3 4-904 of Title 10A of the Oklahoma Statutes.

4 C. Any person convicted of violating any provision of this
5 section shall be guilty of a felony punishable by imprisonment in
6 the custody of the Department of Corrections for a term of not more
7 than four (4) years, or by a fine not exceeding Five Thousand
8 Dollars (\$5,000.00), or by both such fine and imprisonment.

9 SECTION 2. This act shall become effective November 1, 2024.

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