

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2617

By: Humphrey

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2021, Section 894, which relates to penalties
9 for child stealing; providing an affirmative defense;
10 and providing an effective date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2021, Section 891, is
14 amended to read as follows:

15 Section 891. A. Whoever maliciously, forcibly or fraudulently
16 takes or entices away any child under the age of sixteen (16) years,
17 with intent to detain or conceal such child from its parent,
18 guardian or other person having the lawful charge of such child or
19 to transport such child from the jurisdiction of this state or the
20 United States without the consent of the person having lawful charge
21 of such child shall, upon conviction, be guilty of a felony
22 punishable by imprisonment in the custody of the Department of
23 Corrections not exceeding ten (10) years.

1 B. The offender shall have an affirmative defense to the
2 prosecution of child stealing if the offender reasonably believes
3 that the act was necessary to preserve the child from physical,
4 mental, or emotional danger to the child's welfare and the offender
5 notifies the local law enforcement agency nearest to the location
6 where the parent, guardian or other person having lawful charge of
7 the child resides.

8 C. Except for persons sentenced to life or life without parole,
9 any person sentenced to imprisonment for two (2) years or more for a
10 violation of this section and the offense involved sexual abuse or
11 sexual exploitation, shall be required to serve a term of post-
12 imprisonment supervision pursuant to subparagraph f of paragraph 1
13 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
14 under conditions determined by the Department of Corrections. The
15 jury shall be advised that the mandatory post-imprisonment
16 supervision shall be in addition to the actual imprisonment.

17 SECTION 2. This act shall become effective November 1, 2023.

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