

1 ENGROSSED HOUSE
2 BILL NO. 1731

By: Moore of the House

3 and

4 Weaver of the Senate

5
6
7 An Act relating to crimes and punishments; amending
8 21 O.S. 2021, Section 852.1, which relates to child
9 endangerment; clarifying when a person commits child
10 endangerment; and providing an effective date.

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

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

14 Section 852.1. A. A person who is the parent, guardian, or
15 person having custody or control over a child as defined in Section
16 1-1-105 of Title 10A of the Oklahoma Statutes, commits child
17 endangerment when the person:

18 1. Knowingly permits physical or sexual abuse of a child;

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

23 3. Knowingly permits a child to be present in a vehicle when
24 the person knows or should have known that the operator of the

1 vehicle is impaired by or is under the influence of alcohol or
2 another intoxicating substance; or

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

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

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

15 B. The provisions of this section shall not apply to any
16 parent, guardian or other person having custody or control of a
17 child for the sole reason that the parent, guardian or other person
18 in good faith selects and depends upon spiritual means or prayer for
19 the treatment or cure of disease or remedial care for such child.
20 This subsection shall in no way limit or modify the protections
21 afforded said child in Section 852 of this title or Section 1-4-904
22 of Title 10A of the Oklahoma Statutes.

23 C. Any person convicted of violating any provision of this
24 section shall be guilty of a felony punishable by imprisonment in

