

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 423

By: Pugh of the Senate

3 and

4 Roe of the House

5

6 An Act relating to children; amending 10 O.S. 2021,
7 Section 7505-3.2, which relates to costs expended by
8 adoptive family; increasing allowable amount for
9 certain expenses; updating statutory reference;
10 amending 10A O.S. 2021, Section 1-2-109, which
11 relates to relinquishment of child to medical
services provider or child rescuer; increasing
certain age limit; amending 21 O.S. 2021, Section
851, which relates to desertion of children;
increasing certain age limit; and providing an
effective date.

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16 AUTHOR: Remove Roe as principal House author and substitute with
George

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18 AUTHOR: Add as coauthor Crosswhite Hader

19 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
and insert:

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22 "An Act relating to children; amending 10A O.S. 2021,
23 Section 2-5-205, as amended by Section 5, Chapter
375, O.S.L. 2022 (10A O.S. Supp. 2023, Section 2-5-
205), which relates to certification as youthful
24 offender or juvenile; modifying acts that shall cause

1 certain persons to be held accountable as a youthful
2 offender; and providing an effective date.

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

6 SECTION 1. AMENDATORY 10A O.S. 2021, Section 2-5-205, as
7 amended by Section 5, Chapter 375, O.S.L. 2022 (10A O.S. Supp. 2023,
8 Section 2-5-205), is amended to read as follows:

9 Section 2-5-205. A. Any person thirteen (13) or fourteen (14)
10 years of age who is charged with murder in the first degree shall be
11 held accountable for the act as if the person were an adult;
12 provided, the person may be certified as a youthful offender or a
13 juvenile as provided by this section, unless the person is subject
14 to the provisions of subsection H of Section 2-5-204 of this title.

15 B. Any person fifteen (15), sixteen (16) or seventeen (17)
16 years of age who is charged with murder in the first degree shall be
17 held accountable for his or her act as if the person was an adult
18 and shall not be subject to the provisions of the Youthful Offender
19 Act or the provisions of the Juvenile Code for certification as a
20 juvenile. The person shall have all the statutory rights and
21 protections of an adult accused of a crime. All proceedings shall
22 be as for a criminal action and the provisions of Title 22 of the
23 Oklahoma Statutes shall apply. A person having been convicted as an
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1 adult pursuant to this paragraph shall be tried as an adult for
2 every subsequent offense.

3 C. Any person fifteen (15), sixteen (16) or seventeen (17)
4 years of age who is charged with:

5 1. Murder in the second degree;

6 2. Kidnapping or attempt thereof;

7 3. Manslaughter in the first degree;

8 4. Robbery with a dangerous weapon or a firearm or attempt
9 thereof;

10 5. Robbery in the first degree or attempt thereof;

11 6. Robbery committed by two or more persons;

12 7. Rape by instrumentation or attempt thereof;

13 8. Forcible sodomy;

14 9. Lewd acts or proposals to a child under sixteen (16) years
15 of age or any offense in violation of subsection A of Section 1123
16 of Title 21 of the Oklahoma Statutes;

17 10. Domestic abuse by strangulation;

18 11. Arson in the first degree or attempt thereof; ~~or~~

19 12. Any offense in violation of Section 652 of Title 21 of the
20 Oklahoma Statutes; or

21 13. Eluding a peace officer in violation of subsection B or C
22 of Section 540A of Title 21 of the Oklahoma Statutes,

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1 shall be held accountable for such acts as a youthful offender;
2 provided, the person may be certified as a juvenile or as an adult
3 as provided by the provisions of the Youthful Offender Act.

4 D. At the sole discretion of the district attorney, any person
5 fifteen (15), sixteen (16) or seventeen (17) years of age who is
6 charged with rape in the first degree or attempt thereof may be held
7 accountable for his or her act as if the person was an adult or as a
8 youthful offender. When charged as an adult, the person shall have
9 all the statutory rights and protections of an adult accused of a
10 crime. All proceedings shall be as for a criminal action and the
11 provisions of Title 22 of the Oklahoma Statutes shall apply. A
12 person having been convicted as an adult pursuant to this subsection
13 shall be tried as an adult for every subsequent offense. When
14 charged as a youthful offender, the person shall be held accountable
15 for such acts as a youthful offender; provided, the person may be
16 certified as a juvenile or as an adult as provided by the Youthful
17 Offender Act.

18 E. Any person sixteen (16) or seventeen (17) years of age who
19 is charged with:

20 1. Burglary in the first degree or attempted burglary in the
21 first degree;

22 2. Battery or assault and battery on a state employee or
23 contractor while in the custody or supervision of the Office of
24 Juvenile Affairs;

1 3. Aggravated assault and battery of a police officer;

2 4. Intimidating a witness;

3 5. Trafficking in or manufacturing illegal drugs;

4 6. Assault and battery with a deadly weapon;

5 7. Maiming;

6 8. Residential burglary in the second degree after two or more
7 adjudications that are separated in time for delinquency for
8 committing burglary in the first degree or residential burglary in
9 the second degree;

10 9. Rape in the second degree; or

11 10. Use of a firearm while in commission of a felony,
12 may be held accountable for such acts as a youthful offender;
13 provided, the person may be certified as a juvenile or as an adult
14 as provided by the Youthful Offender Act.

15 F. 1. For any charges listed in Sections A, C, D, or E of this
16 section, the district attorney may elect to file a petition alleging
17 the person to be delinquent or may file an information charging the
18 person as a youthful offender. The district attorney shall
19 immediately notify the Office of Juvenile Affairs upon the filing of
20 any youthful offender charges.

21 2. After an information has been filed charging a person as a
22 youthful offender under Sections A, C, D, or E of this section, or
23 as an adult under subsection B of this section, the district
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1 attorney may elect to amend or dismiss the information and refile
2 any or all charges in a delinquent petition.

3 3. Upon the filing of an information, the person's complete
4 juvenile record shall be made available to the district attorney and
5 the person's attorney.

6 G. 1. Upon the filing of an information against a person, a
7 warrant shall be issued which shall set forth the rights of the
8 accused, and the rights of the parents, guardian, or next friend of
9 the accused to be present at the preliminary hearing and to have an
10 attorney.

11 2. The warrant shall be personally served together with a
12 certified copy of the information on the accused and on a custodial
13 parent, guardian, or next friend of the accused. The court may
14 inquire of the accused as to the whereabouts of his or her parents,
15 guardian, or next friend in order to avoid unnecessary delay in the
16 proceedings.

17 3. When personal service of a custodial parent, guardian, or
18 next friend of the accused cannot be completed, service may be made
19 by certified mail to the person's last-known address, requesting a
20 return receipt from the addressee only. If delivery is refused,
21 notice may be given by mailing a copy of the accused's warrant
22 information by regular first-class mail to the address where the
23 person to be notified refused delivery of the notice sent by
24 certified mail. Where the address of a custodial parent, guardian

1 or next friend is not known, or if the mailed copy of the accused's
2 warrant and information is returned for any reason other than
3 refusal of the addressee to accept delivery, after a thorough search
4 of all reasonably available sources to ascertain the whereabouts of
5 a custodial parent, guardian, or next friend has been conducted, the
6 court may order that notice of the hearing be given by publication
7 one time in a newspaper of general circulation in the county. The
8 court may also order other means of service of notice that the court
9 deems advisable or in the interests of justice.

10 4. Before service by publication is ordered, the court shall
11 conduct an inquiry to determine whether a thorough search has been
12 made of all reasonably available sources to ascertain the
13 whereabouts of any person for whom notice by publication is sought.

14 5. The person is presumed to be a youthful offender, and the
15 proceedings shall continue under such presumption unless the court
16 grants the person's motion for certification as a juvenile pursuant
17 to Section ~~6~~ 2-5-206A of this ~~act~~ title or grants the district
18 attorney's motion for imposition of an adult sentence pursuant to
19 Section ~~7~~ 2-5-207A of this ~~act~~ title.

20 H. The court shall commence the preliminary hearing within
21 ninety (90) days of the filing of the information, pursuant to
22 Section 258 of Title 22 of the Oklahoma Statutes, to determine
23 whether a crime was committed and if there is probable cause to
24 believe the accused committed the crime. The requirement for the

1 preliminary hearing to be held within ninety (90) days may be waived
2 by the accused.

3 1. For a person charged under subsection A or B of Section 2-5-
4 205 of this title, if the preliminary hearing is not commenced
5 within ninety (90) days of the filing date of the information, the
6 district court shall hold a hearing to determine the reasons for
7 delay utilizing the procedure set out in Section 812.2 of Title 22
8 of the Oklahoma Statutes, to ensure the preliminary hearing is
9 expedited, unless the ninety-day requirement has been waived by the
10 accused.

11 2. For a person charged under subsection C, D, or E of Section
12 2-5-205 of this title, if the preliminary hearing is not commenced
13 within ninety (90) days of the filing of the information, the
14 district attorney shall be prohibited from seeking an adult sentence
15 unless the ninety-day requirement has been waived by the accused.

16 3. For an accused person charged under subsection A, B, C, D,
17 or E of Section 2-5-205 of this title, if the whereabouts of the
18 accused are unknown at the time of the filing of the information or
19 if the accused is a fugitive, the State of Oklahoma shall make
20 reasonable efforts to locate the accused in order to commence the
21 proceedings. An accused who flees the jurisdiction of the court or
22 purposely avoids apprehension for the charges, waives the right to
23 have the preliminary hearing commenced within ninety (90) days of
24 the filing of the information. If the preliminary hearing does not

1 commence within ninety (90) days from the filing of the information
2 due to the absence or inability to locate the accused, the
3 preliminary hearing shall commence within ninety (90) days after the
4 state has actual notice of the in-state location of the accused. If
5 the accused is found out of state, the court shall set the hearing
6 within ninety (90) days after the accused has been returned to the
7 State of Oklahoma. An accused who fails to cooperate with providing
8 information in locating his or her parent, guardian, or next friend
9 for purposes of notice waives the right to have the preliminary
10 hearing commence within ninety (90) days of the filing of the
11 information.

12 I. At the conclusion of the state's case at the preliminary
13 hearing, if the accused has filed a motion for certification as a
14 juvenile pursuant to subsection A of this section, or if the
15 district attorney has filed a motion for the imposition of an adult
16 sentence pursuant to Section ~~7~~ 2-5-207A of this ~~act~~ title, both the
17 accused and the district attorney may offer evidence in support or
18 in opposition of the pending motion or motions.

19 J. The court shall rule on any properly filed motion for
20 certification as a juvenile or motion for the imposition of an adult
21 sentence before ruling on whether to bind the accused over for
22 trial.

23 SECTION 2. This act shall become effective November 1, 2024."
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1 ENGROSSED SENATE
2 BILL NO. 423

By: Pugh of the Senate

3 and

4 Roe of the House

5
6 An Act relating to children; amending 10 O.S. 2021,
7 Section 7505-3.2, which relates to costs expended by
8 adoptive family; increasing allowable amount for
9 certain expenses; updating statutory reference;
10 amending 10A O.S. 2021, Section 1-2-109, which
11 relates to relinquishment of child to medical
services provider or child rescuer; increasing
certain age limit; amending 21 O.S. 2021, Section
851, which relates to desertion of children;
increasing certain age limit; and providing an
effective date.

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

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SECTION 3. AMENDATORY 10 O.S. 2021, Section 7505-3.2, is

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amended to read as follows:

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Section 7505-3.2. A. 1. An affidavit shall be attached to the

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petition for adoption, or may be filed after the filing of the

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petition for adoption, but prior to the final decree of adoption,

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which discloses to the court all of the costs, funds, or monies

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expended by the adoptive family or expected to be expended in

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connection with the adoption of a minor.

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2. No final decree of adoption shall be entered until the court

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is satisfied that all costs and expenses have been disclosed, are

1 reasonable, and that the costs and expenses do not violate the
2 provisions of subsection B of this section. Upon its review of the
3 affidavit of monies expended, the court shall in writing disapprove
4 any expenditure that the court deems unreasonable or in violation of
5 Sections 865 through 870 of Title 21 of the Oklahoma Statutes and,
6 to the extent necessary to comply with Oklahoma law, shall order
7 reimbursement of any consideration given in violation of Sections
8 865 through 870 of Title 21 of the Oklahoma Statutes. Payments made
9 pursuant to this section shall not be a violation of Sections 865
10 through 870 of Title 21 of the Oklahoma Statutes. Court approval of
11 the affidavit of monies expended shall not exempt a person, attorney
12 or licensed child-placing agency from prosecution if the information
13 provided to the court is fraudulent or false.

14 B. 1. Except as otherwise specifically provided by law, the
15 following list of adoption-related costs and expenses specified in
16 this paragraph may be deemed proper items for a person to pay in
17 connection with an adoption:

- 18 a. reasonable attorney fees and court costs,
- 19 b. reasonable medical expenses for birth mother and minor
20 to be adopted,
- 21 c. reasonable adoption counseling expenses for birth
22 parents before and after the birth of the minor, not
23 to exceed six (6) months from placement of the minor,

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1 d. reasonable fees of a licensed child-placing agency,
2 including social services staff fees provided by
3 agency employees that include:

- 4 (1) casework services,
- 5 (2) adoptive child and family studies,
- 6 (3) placement services,
- 7 (4) certification of agency facilities,
- 8 (5) admission assessments, and
- 9 (6) service planning,

10 e. (1) reasonable and necessary living expenses of the
11 birth mother that are incurred during the
12 adoption planning process or during the
13 pregnancy, not to exceed two (2) months after the
14 birth of the minor or after the consent or
15 relinquishment of the birth mother. Reasonable
16 and necessary living expenses include but are not
17 limited to:

- 18 (a) housing expenses,
- 19 (b) utilities, such as electric, gas, water, or
20 telephone bills,
- 21 (c) food for the birth mother and any minor
22 child of the birth mother residing in the
23 home of the birth mother,

1 (d) travel expenses for transportation to
2 support the pregnancy, such as gasoline, bus
3 fares, or providing for the temporary use of
4 a vehicle during the pregnancy, and

5 (e) child care or foster care for any minor
6 child of the birth mother associated with
7 pregnancy-related medical care, and

8 (2) ~~Reasonable~~ reasonable and necessary living
9 expenses shall not include:

10 (a) any expenses met by existing resources of
11 the birth mother,

12 (b) any expenses used for the support of family
13 members who are not minor children of the
14 mother,

15 (c) any expenses for recreational or leisure
16 activities, and

17 (d) the purchase or gift of an automobile,

18 f. reasonable expenses for a home study,

19 g. reasonable and necessary costs associated with an
20 international adoption,

21 h. reasonable expenses legally required by any
22 governmental entity related to the adoption of a
23 minor, and
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1 i. a one-time gift to the birth mother from the
2 prospective adoptive parents of no greater value than
3 One Hundred Dollars (\$100.00).

4 2. In addition, all expenses approved by the court should be
5 commensurate with other customary fees for similar services by
6 persons of equivalent experience and training where the services are
7 performed. Any services provided outside this state shall be
8 allowed in an amount as if the services had been performed within
9 the State of Oklahoma.

10 3. The provisions of this subsection shall apply to living and
11 transportation expenses incurred after the biological mother of the
12 minor contacts the child-placing agency or attorney for adoption
13 services.

14 4. The provisions of this subsection shall not prohibit a court
15 from extending any time period, or including any additional costs
16 and expenses in connection with an adoption other than those
17 specified in this subsection based on unusual circumstances or need.
18 If additional costs and expenses in connection with an adoption are
19 approved by the court, the court shall specify in writing the
20 unusual circumstances that justify the approval.

21 5. Except as otherwise ordered by the court except for good
22 cause shown, all payments made pursuant to this section shall be
23 paid directly to the third-party provider of services or goods. Any
24 living expense paid on behalf of a birth mother in a domestic

1 adoption which is not supported by an itemized receipt shall not be
2 allowed for payment. If gift cards are issued to pay expenses, an
3 itemized receipt verifying purchases shall be required for approval
4 by the court. The accounting shall include vouchers for all monies
5 expended, copies of all checks written and receipts for all cash
6 payments attesting to the accuracy of the accounting.

7 6. No person, attorney or licensed child-placing agency shall
8 have a financial interest in a third-party provider of services or
9 goods, without disclosing in an affidavit the financial interest to
10 the court and the other parties to the adoption.

11 C. Any person, attorney, or licensed child-placing agency
12 desiring to pay living and transportation expenses on behalf of a
13 birth mother is authorized to expend an initial amount not to exceed
14 ~~One Thousand Dollars (\$1,000.00)~~ Three Thousand Five Hundred Dollars
15 (\$3,500.00) plus deposits for housing and utilities for such costs
16 and expenses without first obtaining court approval as required by
17 paragraph 1 of subsection D of this section. Any such costs and
18 expenses shall be disclosed as is otherwise required by the Oklahoma
19 Adoption Code.

20 D. 1. Except for the amount authorized by subsection C of this
21 section, the payment of any living or transportation expenses for
22 benefit of the birth mother as authorized in subparagraph e of
23 paragraph 1 of subsection B of this section shall be approved in
24 advance by the court.

1 2. The person, attorney, or licensed child-placing agency
2 desiring to pay living or transportation expenses on behalf of a
3 birth mother which exceed the amount in subsection C of this section
4 shall file a petition for an order approving payment of adoption-
5 related expenses.

6 3. The petition for an order approving payment of adoption-
7 related expenses shall be filed in the district court where the
8 adoption petition is to be filed, as provided in Section 7502-1.2 of
9 this title.

10 4. The petition shall be captioned: "In the matter of Baby
11 (name)." The petition shall include a listing of all anticipated
12 living or transportation expenses to be paid on behalf of the birth
13 mother for which court approval is being sought. If additional
14 expenditures not previously authorized by the court are needed on
15 behalf of the birth mother, an amended petition may be filed with
16 the court.

17 5. The petition shall be heard by the court within ten (10)
18 days of filing. The court clerk shall charge the same cost for a
19 petition for payment of expenses as is charged for the filing of an
20 adoption petition. In the event an adoption petition is later filed
21 in the same county, the adoption petition shall be filed as an
22 amended petition within the same case in which payment for expenses
23 was approved and no additional court costs shall be required. In
24 the event a petition for preadoption termination of parental rights

1 is later filed in the same county, the court clerk shall not assess
2 an additional filing fee and may use the same case number as for the
3 petition for adoption.

4 6. Any order authorizing payment shall be attached to a
5 petition for adoption. If no adoption petition is filed, the court
6 shall retain jurisdiction to enter any orders deemed appropriate
7 regarding the reimbursement of costs and expenses paid. If the
8 child is placed for adoption outside the State of Oklahoma, any such
9 order shall be submitted to the Interstate Compact of the Placement
10 of Children and to the court in the other state where the petition
11 for adoption is to be filed.

12 E. 1. In addition to the adoptive family affidavit requirement
13 of subsection A of this section, a Disclosure Statement of Adoption-
14 related Costs and Expenditures shall be prepared in writing by the
15 person, attorney or child-placing agency in a direct-placement
16 adoption. The Disclosure Statement of Adoption-related Costs and
17 Expenditures shall include a declaration of all fees, expenses, and
18 costs charged or expected to be charged for the adoption including,
19 but not limited to, the following:

- 20 a. retainer fees, the hourly rate, and the number of
21 hours billed for the adoption,
- 22 b. any fee charged for preplacement or other home studies
23 of any prospective birth parents, regardless of
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1 whether the home study was performed by an outside
2 agency,

3 c. any costs, fees or expenses or any other thing of
4 value paid to or on behalf of the birth parents
5 related to the adoption of a minor by any party other
6 than the adoptive parents, and

7 d. any other fees and expenses related to the adoption
8 not otherwise specifically listed in this section.

9 2. The Disclosure Statement of Adoption-related Costs and
10 Expenditures containing true and accurate information shall be filed
11 before or when the final decree of adoption is ordered in each
12 adoption of a minor in this state. A statutory Disclosure Statement
13 of Adoption-related Costs and Expenditures is provided in Section ~~2~~
14 7505-3.3 of this ~~act~~ title. A copy of the statement shall be a
15 public record to be compiled and maintained by the court clerk and
16 available for public inspection; provided, that any information
17 identifying the person, attorney or child-placing agency in the
18 direct adoption shall be redacted from the document prior to filing
19 with the court clerk and shall not be made public. In addition, the
20 identity of the child, the adoptive parents, and the birth parents
21 shall be redacted from the document prior to filing with the court
22 clerk and shall not be made public.

23 SECTION 4. AMENDATORY 10A O.S. 2021, Section 1-2-109, is
24 amended to read as follows:

1 Section 1-2-109. A. A parent subject to the provisions of this
2 act shall not be prosecuted for child abandonment or child neglect
3 under the provisions of any statute which makes child abandonment or
4 child neglect a crime, when the allegations of child abandonment or
5 child neglect are based solely on the relinquishment of a child
6 ~~thirty (30)~~ sixty (60) days of age or younger to a medical services
7 provider or a child rescuer as defined in this section.

8 B. The following entities shall, without a court order, take
9 possession of a child ~~thirty (30)~~ sixty (60) days of age or younger
10 if the child is voluntarily delivered to the entity by the parent of
11 the child and the parent did not express an intent to return for the
12 child:

- 13 1. A medical services provider; or
- 14 2. A child rescuer.

15 C. Delivery of the child may be effectuated by an in-person
16 transfer of the child to the medical services provider or child
17 rescuer or by leaving the child in a newborn safety device that is:

- 18 1. Voluntarily installed by the medical services provider or
19 child rescuer;
- 20 2. Physically located inside a police station, fire station,
21 child protective services agency, hospital or other medical
22 facility; and

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

4 D. A medical services provider or child rescuer that installs a
5 newborn safety device shall:

6 1. Be responsible for the cost of the installation; and

7 2. Install an adequate dual alarm system connected to the
8 physical location of the newborn safety device that is:

9 a. tested at least one time per week to ensure the alarm
10 system is in working order, and

11 b. visually checked at least two times per day to ensure
12 the alarm system is in working order.

13 E. Any entity identified in subsection B of this section to
14 which a parent seeks to relinquish a child pursuant to the
15 provisions of this section may:

16 1. Request, but not demand, any information about the child
17 that the parent is willing to share. The entity is encouraged to
18 ask about, but not demand, the details of any relevant medical
19 history relating to the child or the parents of the child. The
20 entity shall respect the wish of the parent if the parent desires to
21 remain anonymous; and

22 2. Provide the parent with printed information relating to the
23 rights of the parents, including both parents, with respect to
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1 reunification with the child and sources of counseling for the
2 parents, if desired.

3 F. Once a child has been relinquished to any entity identified
4 in subsection B of this section, the entity receiving the child
5 shall:

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

8 2. Notify the local office of the Department that a parent of a
9 child thirty (30) days of age or younger, in the best judgment of
10 the receiving entity, has relinquished such child and that the
11 entity has taken possession of the child.

12 G. Upon being made aware that a medical services provider or
13 child rescuer has possession of a child under the provisions of this
14 section, the Department of Human Services shall immediately check
15 with law enforcement authorities to determine if a child has been
16 reported missing and whether the missing child could be the
17 relinquished child.

18 H. The Department shall design and disseminate:

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

22 2. Easily understood printed materials that give information
23 about parents' rights with regard to reunification with a child
24 including, but not limited to, information on how a parent can

1 contact the appropriate entity regarding reunification, and
2 information on sources of counseling for relinquishing parents; and

3 3. Media information including printed material that creates
4 public awareness about the provisions of this act.

5 I. For purposes of this section:

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

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

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

19 SECTION 5. AMENDATORY 21 O.S. 2021, Section 851, is
20 amended to read as follows:

21 Section 851. A. Any parent of any child or children under the
22 age of ten (10) years, and every person to whom such child or
23 children have been confided for nurture or education, who deserts
24 such child or children within this state, or takes such child or

1 children without this state, with the intent wholly to abandon it
2 shall be deemed guilty of a felony and upon conviction thereof shall
3 be punished by imprisonment in the State Penitentiary for any period
4 of time not less than one (1) year nor more than ten (10) years.

5 B. It is an affirmative defense to a prosecution under this
6 section that a parent voluntarily delivered a child under the age of
7 ~~thirty (30)~~ sixty (60) days to and left the child with, or
8 voluntarily arranged for another person to deliver a child to and
9 leave the child with, a medical services provider or child rescuer
10 as provided in Section 1-2-109 of Title 10A of the Oklahoma
11 Statutes.

12 SECTION 6. This act shall become effective November 1, 2023.

13 Passed the Senate the 23rd day of February, 2023.

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Presiding Officer of the Senate

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17 Passed the House of Representatives the ____ day of _____,

18 2023.

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Presiding Officer of the House
of Representatives

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