

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1778

By: Dahm

AS INTRODUCED

An Act relating to abortion; establishing certain crime; providing certain exclusion; providing and precluding certain affirmative defenses; granting certain authority to the Attorney General; providing penalty; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-740.7 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Any person who, with the intent to conceal an abortion from the parent or legal guardian of a pregnant, unemancipated minor, either procures an abortion, as defined in Section 1-730 of Title 63 the Oklahoma Statutes, or obtains an abortion-inducing drug for the pregnant minor to use for an abortion by recruiting, harboring, or transporting the pregnant minor within this state commits the crime of abortion trafficking. As used in this subsection, the terms "procure" and "obtain" shall not include the provision of information regarding a health benefit plan.

1 B. 1. It shall be an affirmative defense to a prosecution
2 under this section that a parent or guardian of the pregnant minor
3 consented to trafficking of the minor.

4 2. It shall not be an affirmative defense to a prosecution
5 under this section that the abortion provider or the abortion-
6 inducing drug provider is located in another state.

7 C. The Attorney General shall have the authority, at his or her
8 sole discretion, to prosecute a person for a violation of this
9 section if the district attorney with jurisdiction refuses to
10 prosecute the person for a violation of this section without regard
11 to the facts or circumstances.

12 D. Any person who commits the crime of abortion trafficking, as
13 provided in subsection A of this section, shall be punished by
14 imprisonment in the custody of the Department of Corrections for not
15 less than two (2) years nor more than five (5) years.

16 SECTION 2. It being immediately necessary for the preservation
17 of the public peace, health or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.
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