

S.B. 124

LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE

HOUSE FLOOR AMENDMENTS

AMENDMENT 4

MARCH 3, 2011 9:59 AM

Representative **Christopher N. Herrod** proposes the following amendments:

1. *Page 1, Lines 12 through 22*

House Committee Amendments

2-28-2011:

- 12 This bill:
- 13 ▶ defines terms;
- 14 ▶ makes it a class C misdemeanor for a person who is responsible for a child under
- 15 nine years of age to intentionally, recklessly, knowingly, or with criminal negligence
- 16 leave a child in ~~§~~ an enclosed compartment of ~~←§~~ a motor vehicle if:
- the motor vehicle is on public property or private property that is open to the general public;
 - the child is not supervised by a person who is at least ~~{12}~~ 11 years old; and
 - the conditions present a risk to the ~~Ĥ~~ [child's health or safety] child of
- 17a hyperthermia, hypothermia, or dehydration ~~←Ĥ~~ ~~§~~ [, the engine is running,
- 18 or the keys are in the passenger compartment of the motor vehicle] ~~←§~~ ; ~~{and}~~
- 19 ▶ provides that this bill does not apply if the person's conduct that constitutes a
- 20 violation of this bill is ~~§~~ [punishable as a class B misdemeanor, a class A
- 21 misdemeanor, or a felony.] subject to a greater penalty under another provision of state law. ~~←§~~ ; and
- 22 ▶ preempts enforcement of a local law or ordinance that makes it an infraction or a criminal offense to
- engage in the conduct that constitutes a misdemeanor under this bill.

2. *Page 2, Lines 38 through 47a*

House Committee Amendments

2-28-2011:

- 38 (2) A person who is responsible for a child is guilty of a class C misdemeanor if:
- 39 (a) the person intentionally, recklessly, knowingly, or with criminal negligence leaves
- 40 the child in ~~§~~ [a] an enclosed compartment of a ~~←§~~ motor vehicle;
- (b) the motor vehicle is on:
 - (i) public property; or
 - (ii) private property that is open to the general public;
- 41 ~~{(b)}~~ (c) the child is not supervised by a person who is at least ~~{12}~~ 11 years old; and
- 42 ~~{(c)}~~ (d) ~~§~~ [~~(i)~~] ~~←§~~ the conditions present a risk to the ~~Ĥ~~ [child's health or safety] ~~§~~
- that:
- 42a ~~(i) is due to]~~ child of ~~←Ĥ~~ ;

42b ~~Ĥ→ [(A)] (i) ←Ĥ~~ hyperthermia;
42c ~~Ĥ→ [(B)] (ii) ←Ĥ~~ hypothermia; or
42d ~~Ĥ→ [(C)] (iii) ←Ĥ~~ dehydration ~~Ĥ→ [; or] .~~
42e ~~[(ii) a reasonable person would expect to exist when a child is left unsupervised in an enclosed~~
42f ~~compartment of a motor vehicle.] ←Ĥ~~
42g [;]
43 ~~—— (ii) the engine of the motor vehicle is running; or~~
44 ~~—— (iii) the keys to the motor vehicle are in the passenger compartment of the motor~~
45 ~~vehicle] ←Ŝ .~~
46 (3) This section does not apply if the person's conduct that constitutes a violation of
47 this section is ~~Ŝ→~~ [punishable as a class B misdemeanor, a class A misdemeanor, or a felony] subject
47a to a greater penalty under another provision of state law ←Ŝ .

(4) This section preempts enforcement of a local law or ordinance that makes it an infraction or a criminal offense to engage in the conduct that constitutes a misdemeanor under this section.