

S.B. 124

LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE

HOUSE FLOOR AMENDMENTS

AMENDMENT 5

MARCH 3, 2011 10:47 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}~~ 9 years old; and
 - the conditions present a risk to the ~~Ĥ~~→ [child's health or safety] child of
- 18a hyperthermia, hypothermia, or dehydration ~~←~~Ĥ ~~§~~→ [~~the engine is running,~~
- 19 ~~or the keys are in the passenger compartment of the motor vehicle~~] ~~←~~§ ; ~~{-and-}~~
- 20 ▶ provides that this bill does not apply if the person's conduct that constitutes a
- 21 violation of this bill is ~~§~~→ [punishable as a class B misdemeanor, a class A
- 22 misdemeanor, or a felony.] subject to a greater penalty under another provision of state law. ~~←~~§ ;
- ▶ 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;
 - ▶ provides that, notwithstanding any provision of state law to the contrary, a conviction under this bill may not be used by a state or local government entity as grounds for revoking, refusing to grant, or refusing to renew, a license or permit, including a license or permit relating to the provision of day care or child care.

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}~~ 9 years old; and
42 ~~{(c)}~~ (d) ~~§→ [(i)] ←§~~ the conditions present a risk to the ~~§→ [child's health or safety §→~~
that:

42a ~~(i) is due to~~ child of ~~←§~~ :

42b ~~§→ [(A)] (i) ←§~~ hyperthermia;

42c ~~§→ [(B)] (ii) ←§~~ hypothermia; or

42d ~~§→ [(C)] (iii) ←§~~ dehydration ~~§→ [; 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.] ←§~~

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] ←§ .~~

46 (3) This section does not apply if the person's conduct that constitutes a violation of

47 this section is ~~§→ [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 ~~←§~~ .

(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.

(5) Notwithstanding any provision of state law to the contrary, a conviction under this section may not be used by a state or local government entity as grounds for revoking, refusing to grant, or refusing to renew, a license or permit, including a license or permit relating to the provision of day care or child care.