OFFICE OF

No. SB 1552

THE GOVERNOR
STATE OF OKLAHOMA

OKLAHOMA CITY, OKLA., May 20, 2016

TIME SIGNED: 3:16pm

TO THE HONORABLE PRESIDENT PRO TEMPORE
AND MEMBERS OF THE OKLAHOMA SENATE
SECOND SESSION OF THE
FIFTY FIFTH OKLAHOMA LEGISLATURE

ENROLLED SENATE BILL NO. 1552:

This is to advise you, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 1552.

Senate Bill 1552 declares the performance of an abortion, except as "necessary to preserve the life of the mother" as "unprofessional conduct" for a physician, and prohibits any physician participating in the performance of an abortion from obtaining or renewing a license to practice medicine in this State. Additionally, Senate Bill 1552 provides for a criminal penalty for any person, including licensed physicians, who perform an abortion for any reason other than when "necessary to preserve the life of the mother."

Although Senate Bill 1552 excludes a mother's threat of self-harm from the exception preserving the life of the mother, Senate Bill 1552 does not define "necessary to preserve the life of the mother." The absence of any definition, analysis or medical standard renders this exception vague, indefinite and vulnerable to subjective interpretation and application. The Oklahoma Court of Criminal Appeals has clearly stated, "Legislation which creates and provides for the punishment of criminal offenses should be so clear and explicit that all persons of ordinary intelligence who are subject to these penalties may understand their provisions. No one may be required at peril of life, liberty or property to speculate as to the meaning of penal statutes." *State v. Madden*, 1977 OK CR 155, ¶9, 562 P.2d 1177, 1178. Further, the United States Supreme Court has stated, "The constitutional requirement of definiteness is violated by a criminal statute that fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute. The underlying principle is that no man shall be held criminally responsible for conduct which he could not reasonably understand to be proscribed." *U.S. V. Harris*, 347 U.S. 612, 617, 74 S.Ct. 808, 812, 98 L.Ed 989.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Continued on page 2

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Current law provides a clear and definite concept of felony criminal liability for any person who performs or induces an abortion who is not a licensed physician. This provision is an important and necessary limitation and prohibition to those who may provide abortion services.

During my administration, the Legislature has approved and I have signed no less than 18 bills supporting pro-life and pro-family values and protecting the health and lives of mothers and their unborn children. While I consistently have and continue to support a re-examination of the United States Supreme Court's decision in *Roe v. Wade*, this legislation cannot accomplish that re-examination. In fact, the most direct path to a re-examination of the United States Supreme Court's ruling in *Roe v. Wade* is the appointment of a conservative, pro-life justice to the United States Supreme Court. The vague and ambiguous expansion of felony criminal liability that fails to define a critical element of the crime places this legislation squarely in the constitutional analysis of *criminal* liability. For these reasons, I have vetoed Senate Bill 1552.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Mary Fallin

By _____

Date/Time _____