

ENROLLED SENATE
BILL NO. 912

BY: MICKLE, WILKERSON and FAIR
of the SENATE

and

DUNEGAN, JOHNSON (Rob),
WEESE, CALDWELL, WEBB,
GREENWOOD, COLEMAN, POPE,
FALLIN, GRAVES, VEITCH,
BOECKMAN and DAVIS of the
HOUSE

AN ACT RELATING TO CRIMES AGAINST CHILDREN; AMENDING
21 O.S. 1991, SECTIONS 886, 888 AND 1123, WHICH
RELATE TO SODOMY, FORCIBLE SODOMY AND CHILD
MOLESTATION; PROVIDING ENHANCED PENALTIES FOR THIRD
OR SUBSEQUENT OFFENSE WHERE VICTIM IS UNDER SIXTEEN
YEARS OF AGE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 886, is
amended to read as follows:

Section 886. Every person who is guilty of the detestable and
abominable crime against nature, committed with mankind or with a
beast, is punishable by imprisonment in the penitentiary not
exceeding ten (10) years. Any person convicted of a second
violation of this section, where the victim of the second offense is
a person under sixteen (16) years of age, shall not be eligible for
probation, suspended or deferred sentence. Any person convicted of
a third or subsequent violation of this section, where the victim of
the third or subsequent offense is a person under sixteen (16) years
of age, shall be punished by imprisonment in the State Penitentiary
for a term of life or life without parole, in the discretion of the
jury, or in case the jury fail or refuse to fix punishment then the
same shall be pronounced by the court.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 888, is
amended to read as follows:

Section 888. A. Any person who forces another person to engage
in the detestable and abominable crime against nature, pursuant to
Section 886 of this title, upon conviction, is guilty of a felony
punishable by imprisonment in the penitentiary for a period of not
more than twenty (20) years. Any person convicted of a second
violation of this section, where the victim of the second offense is
a person under sixteen (16) years of age, shall not be eligible for
probation, suspended or deferred sentence. Any person convicted of
a third or subsequent violation of this section, where the victim of
the third or subsequent offense is a person under sixteen (16) years

of age, shall be punished by imprisonment in the State Penitentiary for a term of life or life without parole, in the discretion of the jury, or in case the jury fail or refuse to fix punishment then the same shall be pronounced by the court.

B. The crime of forcible sodomy shall include:

1. Sodomy committed by a person over eighteen (18) years of age upon a person under sixteen (16) years of age; or

2. Sodomy committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime; or

3. Sodomy accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the victim or the person committing the crime.

SECTION 3. AMENDATORY 21 O.S. 1991, Section 1123, is amended to read as follows:

Section 1123. A. Any person who shall knowingly and intentionally:

1. Make any oral or written lewd or indecent proposal to any child under sixteen (16) years of age for the child to have unlawful sexual relations or sexual intercourse with any person; or

2. Look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any lewd or lascivious manner by any acts against public decency and morality, as defined by law; or

3. Ask, invite, entice, or persuade any child under sixteen (16) years of age to go alone with any person to a secluded, remote, or secret place, with the unlawful and willful intent and purpose then and there to commit any crime against public decency and morality, as defined by law, with the child; or

4. In any manner lewdly or lasciviously look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any indecent manner or in any manner relating to sexual matters or sexual interest; or

5. In a lewd and lascivious manner and for the purpose of sexual gratification, urinate or defecate upon a child under sixteen (16) years of age or ejaculate upon or in the presence of a child, or force or require a child to look upon the body or private parts of another person or upon sexual acts performed in the presence of the child or force or require a child to touch or feel the body or private parts of said child or another person, upon conviction, shall be deemed guilty of a felony and shall be punished by imprisonment in the Oklahoma State Penitentiary for not less than one (1) year nor more than twenty (20) years. The provisions of this section shall not apply unless the accused is at least three (3) years older than the victim. Any person convicted of a second violation of subsection A of this section shall not be eligible for probation, suspended or deferred sentence. Any person convicted of a third or subsequent violation of subsection A of this section shall be punished by imprisonment in the State Penitentiary for a term of life or life without parole, in the discretion of the jury, or in case the jury fail or refuse to fix punishment then the same shall be pronounced by the court.

B. No person shall commit sexual battery on any other person. "Sexual battery" shall mean the intentional touching, mauling or feeling of the body or private parts of any person sixteen (16) years of age or older, in a lewd and lascivious manner and without the consent of that person. Any person convicted of any violation of this subsection shall be deemed guilty of a felony and shall be punished by imprisonment in the Oklahoma State Penitentiary for not more than five (5) years.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.