

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2263

BY: NIEMI

AS INTRODUCED

AN ACT RELATING TO CRIMES AND PUNISHMENTS; AMENDING
21 O.S. 1991, SECTION 1111, WHICH RELATES TO THE
DEFINITION OF RAPE; ELIMINATING CERTAIN CONDITIONS
CONCERNING SPOUSAL RAPE; AND PROVIDING AN EFFECTIVE
DATE.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1111, is
amended to read as follows:

Section 1111. A. Rape is an act of sexual intercourse
involving vaginal or anal penetration accomplished with a male or
female who is not the spouse of the perpetrator and who may be of
the same or the opposite sex as the perpetrator under any of the
following circumstances:

1. Where the victim is under sixteen (16) years of age; or
2. Where the victim is incapable through mental illness or any
other unsoundness of mind, whether temporary or permanent, of giving
legal consent; or

3. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person; or

4. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit; or

5. Where the victim is at the time unconscious of the nature of the act and this is known to the accused; or

6. Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with such spouse with intent to induce such belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape; or

7. Where the victim is under the legal custody of a state agency and submits to sexual intercourse with a state employee in the belief that such intercourse or activity will influence the professional responsibility of the employee or if not submitted to will result in detrimental condition for the victim.

B. Rape is an act of sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person ~~and if:~~

~~1. A petition for divorce is pending; or~~

~~2. A petition for a legal separation is pending or has been granted; or~~

~~3. A petition for a protective order as provided for by the provisions of Section 60.2 of Title 22 of the Oklahoma Statutes is pending; or~~

~~4. The victim and perpetrator are living separate and apart from each other.~~

SECTION 2. This act shall become effective September 1, 1992.

43-2-6974

MCD