STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1069 By: Voskuhl

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 1111, as last amended by Section 1, Chapter 22, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1111), which relates to the definition of rape; expanding circumstances that constitute 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, as last amended by Section 1, Chapter 22, O.S.L. 1995 (21 O.S. Supp. 1996, 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 <u>or supervision</u> of a state<u>, county or municipal</u> agency <u>or political subdivision</u> and engages in sexual intercourse with a state<u>, county or municipal</u> employee or employee of a contractor of the state<u>, county or municipality</u> that exercises authority over 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.

SECTION 2. This act shall become effective November 1, 1997.

46-1-5152 LAC