

SHORT TITLE: Drug-induced rape; prohibiting certain distribution or administering of substance with intent to commit a crime; noncodification; codification; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 583

By: Fisher

AS INTRODUCED

An Act relating to crimes and punishments;

prohibiting use of certain substance in furtherance of a crime of violence; defining terms; setting penalty; authorizing the Attorney General to disseminate educational materials relating to substances used in furtherance of rape or sexual assaults; providing for codification; providing for noncodification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1114.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. For purposes of this section:

1. "Without the knowledge or consent of the individual" means that the individual is unaware that a substance with the ability to alter that individual's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to that individual; and

2. "Crime of violence" means:

- a. an offense that has as an element the use, or attempted use, or threatened use, of physical force against the person or property of another, or
- b. any other offense that is a felony and that, by its nature, involves a substantial risk that physical

force against the person or property of another may be used in the course of committing the offense.

B. Every person who, with intent to commit a crime of violence, violates any provision of the Controlled Dangerous Substances Act by distributing a controlled substance to an individual without the knowledge or consent of the individual, or administers without the knowledge or consent of the individual any substance capable of impairing the mental or physical abilities of the individual to give legal consent to sexual conduct, shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for a term not exceeding twenty (20) years, by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

SECTION 2. The Attorney General may create educational materials regarding the use of controlled substances or other chemicals in furtherance of rapes and sexual assaults and those materials may be disseminated to police departments throughout the state.

SECTION 3. NONCODIFICATION Section 2 of this act shall not be codified in the Oklahoma Statutes.

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.

46-1-0062

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