STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1149 By: Coleman

COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending 21 O.S. 1991, Sections 1111, as last amended by Section 1, Chapter 22, O.S.L. 1995, and 1114 (21 O.S. Supp. 1998, Section 1111), which relate to rape; expanding circumstances that constitute rape; modifying degree of rape involving use of certain substances; 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. 1998, 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~~ alcohol, a controlled dangerous substance or other intoxicant to such an extent that the victim is incapable of giving legal consent; 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~~ the spouse with intent to induce ~~such~~ that 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 or supervision of a state agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, county, municipal or political subdivision employee or an employee of a contractor of the state, a county, a municipality or a political subdivision 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. AMENDATORY 21 O.S. 1991, Section 1114, is amended to read as follows:

Section 1114. A. Rape in the first degree shall include:

1. Rape committed by a person over eighteen (18) years of age upon a person under fourteen (14) years of age; or

2. Rape 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. Rape 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 person committing the crime; or

4. Rape by instrumentation resulting in bodily harm is rape by instrumentation in the first degree, regardless of the age of the person committing the crime; or

5. Rape by instrumentation committed upon a person under fourteen (14) years of age; or

6. Rape accomplished by intoxication of the victim by alcohol, a controlled dangerous substance or other intoxicant to such an extent that the victim is incapable of giving legal consent.

B. In all other cases, rape or rape by instrumentation is rape in the second degree.

SECTION 3. This act shall become effective November 1, 1999.

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