

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1796

By: Tibbs and Reese

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Sections 1112, 1113, 1114, and 1115, as last amended by Section 193, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 2000, Section 1115), which relate to rape; modifying certain age limitations; modifying punishment under certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1112, is amended to read as follows:

Section 1112. No person can be convicted of rape or rape by instrumentation on account of an act of sexual intercourse with anyone over the age of ~~fourteen (14)~~ sixteen (16) years, with his or her consent, unless such person was over the age of eighteen (18) years at the time of such act.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1113, is amended to read as follows:

Section 1113. The essential guilt of rape or rape by instrumentation, except with the consent of a male or female over ~~fourteen (14)~~ sixteen (16) years of age, consists in the outrage to the person and feelings of the victim. Any sexual penetration, however slight, is sufficient to complete the crime.

SECTION 3. 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)~~ sixteen (16) 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)~~ sixteen (16) years of age.

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

SECTION 4. AMENDATORY 21 O.S. 1991, Section 1115, as last amended by Section 193, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 2000, Section 1115), is amended to read as follows:

Section 1115. Rape in the first degree is a felony punishable by death or imprisonment in the State Penitentiary, not less than five (5) years, in the discretion of the jury, or in case the jury fails or refuses to fix the punishment then the same shall be pronounced by the court. Any person twenty-one (21) years of age or older who is convicted of rape in the first degree shall be punishable by imprisonment in the State Penitentiary for not less than ten (10) years if the victim of the offense is under sixteen (16) years of age.

SECTION 5. This act shall become effective November 1, 2001.

48-1-5753 LAC 6/12/15