

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1524

By: Nichols

AS INTRODUCED

An Act relating to rape; amending 21 O.S. 2001, Section 1115, which relates to punishment for rape in the first degree; setting penalty for second or subsequent conviction; setting penalty for rape when a prior conviction for certain offenses exists; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1115, is amended to read as follows:

Section 1115. A. Rape in the first degree is a felony punishable by death or imprisonment in the State Penitentiary, for a term not less than five (5) years, except as provided in subsection B or C of this section, 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.

B. The punishment for a second or subsequent conviction of rape in the first degree shall be imprisonment in the State Penitentiary for a term of life without parole.

C. The punishment for rape in the first degree, rape by instrumentation, forcible sodomy, sexual abuse of a child where any penetration occurred or lewd molestation of a child where any penetration occurred shall be imprisonment in the State Penitentiary for a term of life without parole.

SECTION 2. 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.

48-2-2193

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