

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 702

By: Paddack of the Senate

3 and

4 Thomsen of the House

5  
6  
7 ( crimes and punishments - mandatory minimum  
8 sentences - kidnapping - effective date -  
9 emergency )

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12 AUTHORS: Add the following House Coauthors: Ortega and Ownbey

13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
14 entire bill and insert

15 "( crimes and punishments - mandatory minimum  
16 sentences - kidnapping - effective date -  
17 emergency )

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20 SECTION 1. AMENDATORY 21 O.S. 2001, Section 741, as last  
21 amended by Section 4, Chapter 261, O.S.L. 2007 (21 O.S. Supp. 2008,  
22 Section 741), is amended to read as follows:  
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1 Section 741. Any person who, without lawful authority, forcibly  
2 seizes and confines another, or inveigles or kidnaps another, with  
3 intent, either:

4 First. To cause such other person to be confined or imprisoned  
5 in this state against the will of the other person; or

6 Second. To cause such other person to be sent out of this state  
7 against the will of the other person; or

8 Third. To cause such person to be sold as a slave, or in any  
9 way held to service against the will of such person, shall be guilty  
10 of a felony punishable by imprisonment in the custody of the  
11 Department of Corrections for a term not exceeding ~~ten (10) years~~  
12 twenty (20) years. Upon any trial for a violation of this section,  
13 the consent thereto of the person kidnapped or confined, shall not  
14 be a defense, unless it appears satisfactorily to the jury, that  
15 such person was above the age of twelve (12) years, and that such  
16 consent was not extorted by threat, or by duress.

17 Except for persons sentenced to life or life without parole, on  
18 and after the effective date of this act, any person sentenced to  
19 imprisonment ~~for two (2) years or more~~ for a violation of this  
20 section and the offense involved sexual abuse or sexual  
21 exploitation, shall be required to serve a term of post-imprisonment  
22 supervision pursuant to subparagraph f of paragraph 1 of subsection  
23 A of Section 991a of Title 22 of the Oklahoma Statutes under  
24 conditions determined by the Department of Corrections. The jury

1 shall be advised that the mandatory post-imprisonment supervision  
2 shall be in addition to the actual imprisonment.

3 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1111.1, as  
4 amended by Section 17, Chapter 261, O.S.L. 2007 (21 O.S. Supp. 2008,  
5 Section 1111.1), is amended to read as follows:

6 Section 1111.1 Rape by instrumentation is an act within or  
7 without the bonds of matrimony in which any inanimate object or any  
8 part of the human body, not amounting to sexual intercourse is used  
9 in the carnal knowledge of another person without his or her consent  
10 and penetration of the anus or vagina occurs to that person.  
11 Provided, further, that at least one of the circumstances specified  
12 in Section 1111 of this title has been met; further, where the  
13 victim is at least sixteen (16) years of age and is less than twenty  
14 (20) years of age and is a student, or under the legal custody or  
15 supervision of any public or private elementary or secondary school,  
16 junior high or high school, or public vocational school, and engages  
17 in conduct prohibited by this section of law with a person who is  
18 eighteen (18) years of age or older and is an employee of the same  
19 school system, or where the victim is under the legal custody or  
20 supervision of a state or federal agency, county, municipal or a  
21 political subdivision and engages in conduct prohibited by this  
22 section of law with a federal, state, county, municipal or political  
23 subdivision employee or an employee of a contractor of the state,  
24 the federal government, a county, a municipality or a political

1 subdivision that exercises authority over the victim, consent shall  
2 not be an element of the crime. Except for persons sentenced to  
3 life or life without parole, any person sentenced to imprisonment  
4 for two (2) years or more for a violation of this section shall be  
5 required to serve a term of post-imprisonment supervision pursuant  
6 to subparagraph f of paragraph 1 of subsection A of Section 991a of  
7 Title 22 of the Oklahoma Statutes under conditions determined by the  
8 Department of Corrections. The jury shall be advised that the  
9 mandatory post-imprisonment supervision shall be in addition to the  
10 actual imprisonment.

11 SECTION 3. This act shall become effective July 1, 2009.

12 SECTION 4. It being immediately necessary for the preservation  
13 of the public peace, health and safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval."

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1 Passed the House of Representatives the 15th day of April, 2009.

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4 Presiding Officer of the House of  
Representatives

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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2009.

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9 Presiding Officer of the Senate