

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3225 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Chuck Hoskin

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3225

By: Hoskin

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; amending  
9 21 O.S. 2001, Section 1111, as last amended by  
10 Section 5, Chapter 62, O.S.L. 2006 (21 O.S. Supp.  
11 2009, Section 1111), which relates to the definition  
of rape; adding circumstance to rape definition; and  
providing an effective date.

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13  
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1111, as  
16 last amended by Section 5, Chapter 62, O.S.L. 2006 (21 O.S. Supp.  
17 2009, Section 1111), is amended to read as follows:

18 Section 1111. A. Rape is an act of sexual intercourse  
19 involving vaginal or anal penetration accomplished with a male or  
20 female who is not the spouse of the perpetrator and who may be of  
21 the same or the opposite sex as the perpetrator under any of the  
22 following circumstances:

- 23 1. Where the victim is under sixteen (16) years of age;
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1           2. Where the victim is incapable through mental illness or any  
2 other unsoundness of mind, whether temporary or permanent, of giving  
3 legal consent;

4           3. Where force or violence is used or threatened, accompanied  
5 by apparent power of execution to the victim or to another person;

6           4. Where the victim is intoxicated by a narcotic or anesthetic  
7 agent, administered by or with the privity of the accused as a means  
8 of forcing the victim to submit;

9           5. Where the victim is at the time unconscious of the nature of  
10 the act and this fact is known to the accused;

11           6. Where the victim submits to sexual intercourse under the  
12 belief that the person committing the act is a spouse, and this  
13 belief is induced by artifice, pretense, or concealment practiced by  
14 the accused or by the accused in collusion with the spouse with  
15 intent to induce that belief. In all cases of collusion between the  
16 accused and the spouse to accomplish such act, both the spouse and  
17 the accused, upon conviction, shall be deemed guilty of rape;

18           7. Where the victim is under the legal custody or supervision  
19 of a state agency, a federal agency, a county, a municipality or a  
20 political subdivision and engages in sexual intercourse with a  
21 state, federal, county, municipal or political subdivision employee  
22 or an employee of a contractor of the state, the federal government,  
23 a county, a municipality or a political subdivision that exercises  
24 authority over the victim; ~~or~~

1 8. Where the victim is at least sixteen (16) years of age and  
2 is less than twenty (20) years of age and is a student, or under the  
3 legal custody or supervision of any public or private elementary or  
4 secondary school, junior high or high school, or public vocational  
5 school, and engages in sexual intercourse with a person who is  
6 eighteen (18) years of age or older and is an employee of the same  
7 school system; or

8 9. Where the victim is at least sixteen (16) years of age and  
9 is less than twenty (20) years of age and engages in sexual  
10 intercourse with a person who is a pastor, clergy, church leader or  
11 youth minister.

12 B. Rape is an act of sexual intercourse accomplished with a  
13 male or female who is the spouse of the perpetrator if force or  
14 violence is used or threatened, accompanied by apparent power of  
15 execution to the victim or to another person.

16 SECTION 2. This act shall become effective November 1, 2010.

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18 52-2-9895 GRS 02/17/10

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