

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 702

By: Paddock of the Senate

and

Thomsen of the House

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9 COMMITTEE SUBSTITUTE

10 (crimes and punishments - mandatory minimum

11 sentences - kidnapping - effective date -

12 emergency)

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16 SECTION 1. AMENDATORY 21 O.S. 2001, Section 741, as last
17 amended by Section 4, Chapter 261, O.S.L. 2007 (21 O.S. Supp. 2008,
18 Section 741), is amended to read as follows:

19 Section 741. Any person who, without lawful authority, forcibly
20 seizes and confines another, or inveigles or kidnaps another, with
21 intent, either:

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

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

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

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

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

1 Section 1111.1 Rape by instrumentation is an act within or
2 without the bonds of matrimony in which any inanimate object or any
3 part of the human body, not amounting to sexual intercourse is used
4 in the carnal knowledge of another person without his or her consent
5 and penetration of the anus or vagina occurs to that person.
6 Provided, further, that at least one of the circumstances specified
7 in Section 1111 of this title has been met; further, where the
8 victim is at least sixteen (16) years of age and is less than twenty
9 (20) years of age and is a student, or under the legal custody or
10 supervision of any public or private elementary or secondary school,
11 junior high or high school, or public vocational school, and engages
12 in conduct prohibited by this section of law with a person who is
13 eighteen (18) years of age or older and is an employee of the same
14 school system, or where the victim is under the legal custody or
15 supervision of a state or federal agency, county, municipal or a
16 political subdivision and engages in sexual intercourse with a
17 federal, state, county, municipal or political subdivision employee
18 or an employee of a contractor of the state, the federal government,
19 a county, a municipality or a political subdivision that exercises
20 authority over the victim, consent shall not be an element of the
21 crime. Except for persons sentenced to life or life without parole,
22 any person sentenced to imprisonment for two (2) years or more for a
23 violation of this section shall be required to serve a term of post-
24 imprisonment supervision pursuant to subparagraph f of paragraph 1

1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
2 under conditions determined by the Department of Corrections. The
3 jury shall be advised that the mandatory post-imprisonment
4 supervision shall be in addition to the actual imprisonment.

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

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

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