

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 702

By: Paddock of the Senate

and

Thomsen, Ortega and
Ownbey of the House

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9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to crimes and punishments; amending
11 21 O.S. 2001, Section 741, as last amended by Section
12 4, Chapter 261, O.S.L. 2007 (21 O.S. Supp. 2008,
13 Section 741), which relates to kidnapping; increasing
14 maximum term of imprisonment; modifying requirement
15 for post-imprisonment supervision; amending 21 O.S.
16 2001, Section 1111.1, as amended by Section 17,
17 Chapter 261, O.S.L. 2007 (21 O.S. Supp. 2008, Section
18 1111.1), which relates to rape by instrumentation;
19 removing authority to consent to certain acts by
20 certain persons; providing an effective date; and
21 declaring an emergency.

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

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

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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