

ENROLLED SENATE  
BILL NO. 702

By: Paddock of the Senate

and

Thomsen, Ortega, Ownbey and  
Osborn of the House

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

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

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

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

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

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

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

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

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

Section 1111.1 Rape by instrumentation is an act within or without the bonds of matrimony in which any inanimate object or any part of the human body, not amounting to sexual intercourse is used in the carnal knowledge of another person without his or her consent and penetration of the anus or vagina occurs to that person. Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met; further, where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in conduct prohibited by this section of law with a person who is eighteen (18) years of age or older and is an employee of the same school system, or where the victim is under the legal custody or

supervision of a state or federal agency, county, municipal or a political subdivision and engages in conduct prohibited by this section of law with a federal, state, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, consent shall not be an element of the crime. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

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

SECTION 4. 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.

Passed the Senate the 20th day of May, 2009.

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Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2009.

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Presiding Officer of the House  
of Representatives