

THE HOUSE OF REPRESENTATIVES
Wednesday, April 8, 2009

Committee Substitute for
ENGROSSED
Senate Bill No. 702

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 702 - By:
PADDACK of the Senate and THOMSEN of the House.

(crimes and punishments - mandatory minimum sentences - kidnapping -
effective date -
emergency)

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

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

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

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

10 Third. To cause such person to be sold as a slave, or in any way held to service
11 against the will of such person, shall be guilty of a felony punishable by imprisonment in
12 the custody of the Department of Corrections for a term not exceeding ~~ten (10) years~~

1 twenty (20) years. Upon any trial for a violation of this section, the consent thereto of the
2 person kidnapped or confined, shall not be a defense, unless it appears satisfactorily to
3 the jury, that such person was above the age of twelve (12) years, and that such consent
4 was not extorted by threat, or by duress.

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

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

16 Section 1111.1 Rape by instrumentation is an act within or without the bonds of
17 matrimony in which any inanimate object or any part of the human body, not amounting
18 to sexual intercourse is used in the carnal knowledge of another person without his or
19 her consent and penetration of the anus or vagina occurs to that person. Provided,
20 further, that at least one of the circumstances specified in Section 1111 of this title has
21 been met; further, where the victim is at least sixteen (16) years of age and is less than
22 twenty (20) years of age and is a student, or under the legal custody or supervision of any

1 public or private elementary or secondary school, junior high or high school, or public
2 vocational school, and engages in conduct prohibited by this section of law with a person
3 who is eighteen (18) years of age or older and is an employee of the same school system,
4 or where the victim is under the legal custody or supervision of a state or federal agency,
5 county, municipal or a political subdivision and engages in sexual intercourse with a
6 federal, state, county, municipal or political subdivision employee or an employee of a
7 contractor of the state, the federal government, a county, a municipality or a political
8 subdivision that exercises authority over the victim, consent shall not be an element of
9 the crime. Except for persons sentenced to life or life without parole, any person
10 sentenced to imprisonment for two (2) years or more for a violation of this section shall be
11 required to serve a term of post-imprisonment supervision pursuant to subparagraph f of
12 paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under
13 conditions determined by the Department of Corrections. The jury shall be advised that
14 the mandatory post-imprisonment supervision shall be in addition to the actual
15 imprisonment.

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04-07-09 - DO PASS,
21 As Amended.