

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3225

By: Hoskin

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5
6 AS INTRODUCED

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

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

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

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

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

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

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

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

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

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

22 8. Where the victim is at least sixteen (16) years of age and
23 is less than twenty (20) years of age and is a student, or under the
24 legal custody or supervision of any public or private elementary or

1 secondary school, junior high or high school, or public vocational
2 school, and engages in sexual intercourse with a person who is
3 eighteen (18) years of age or older and is an employee of the same
4 school system; or

5 9. Where the victim is at least sixteen (16) years of age and
6 is less than twenty (20) years of age and engages in sexual
7 intercourse with a person who is in a position of trust with respect
8 to the victim. A "person who is in a position of trust" includes
9 pastors, clergy, church leaders and youth ministers.

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

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

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16 52-2-8422 GRS 01/04/10

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