

1 **SENATE FLOOR VERSION**

2 February 5, 2013

3 As Amended

4 SENATE BILL NO. 175

5 By: Griffin of the Senate

6 and

7 Denney of the House

8 **[rape - definition of rape - modifying definition -
9 effective date]**

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

11 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1111, is
12 amended to read as follows:

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

- 18 1. Where the victim is under sixteen (16) years of age;
- 19 2. Where the victim is incapable through mental illness or any
20 other unsoundness of mind, whether temporary or permanent, of giving
21 legal consent;
- 22 3. Where force or violence is used or threatened, accompanied
23 by apparent power of execution to the victim or to another person;
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1 4. Where the victim is intoxicated by a narcotic or anesthetic
2 agent, administered by or with the privity of the accused as a means
3 of forcing the victim to submit;

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

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

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

20 8. Where the victim is at least sixteen (16) years of age and
21 is less than twenty (20) years of age and is a student, or under the
22 legal custody or supervision of any public or private elementary or
23 secondary school, junior high or high school, or public vocational
24 school, and engages in sexual intercourse with a person who is

1 eighteen (18) years of age or older and is an employee of the same
2 school system; or

3 9. Where the victim is at least sixteen (16) years of age and
4 is less than twenty (20) years of age and is a participant in a
5 youth program or services at a church or place of worship and
6 engages in sexual intercourse with a person who is eighteen (18)
7 years of age or older and is an employee or volunteer employee of
8 the same church or ministry.

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

13 SECTION 2. This act shall become effective November 1, 2013.

14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-5-13 - DO PASS,
15 As Amended and Coauthored.

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