

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1005

By: Biggs

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1114, which relates to first and second degree rape; modifying elements of first and second degree rape; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1114, is amended to read as follows:

Section 1114. A. Rape or rape by instrumentation in the first degree shall include:

1. Rape committed by a person over eighteen (18) years of age upon a person under fourteen (14) years of age; ~~or~~

2. Rape committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime; ~~or~~

3. Rape accomplished where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit; ~~or~~

1 4. Rape accomplished where the victim is at the time
2 unconscious of the nature of the act and this fact is known to the
3 accused; ~~or~~

4 5. Rape accomplished with any person by means of force,
5 violence, or threats of force or violence accompanied by apparent
6 power of execution regardless of the age of the person committing
7 the crime; or

8 6. Rape by instrumentation ~~resulting in bodily harm is rape by~~
9 ~~instrumentation in the first degree~~ regardless of the age of the
10 victim or the age of the person committing the crime; ~~or~~

11 7. ~~rape by instrumentation committed upon a person under~~
12 ~~fourteen (14) years of age.~~

13 B. In all other cases, rape ~~or rape by instrumentation~~ is rape
14 in the second degree.

15 SECTION 2. This act shall become effective November 1, 2017.

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17 56-1-5059 GRS 12/15/16
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