

BILL SUMMARY
1st Session of the 56th Legislature

Bill No.:	HB 1005
Version:	INT
Request Number:	5059
Author:	Rep. Biggs
Date:	2/3/2017
Impact:	Possible increase of OK prison populations

Research Analysis

HB 1005 provides that the crime of rape by instrumentation is to be considered first degree rape.

Prepared By: Brad Wolgamott

Fiscal Analysis

HB 1005, as introduced, does not create a new crime. However, it categorizes all rape by instrumentation as rape in the first degree. Current statutes categorize rape by instrumentation (depending on the case) in either first or second degree with different penalties:

Current Structure O.S. 21 § 1115

Charge- Rape by Instrumentation	Penalty Options
Rape in the First Degree (Version 1)	felony punishable by death or imprisonment in the State Penitentiary, not less than five (5) years
Rape in the First Degree (Version 2)	felony punishable by death or imprisonment in the custody of the Department of Corrections, for a term of not less than five (5) years, life or life without parole
Rape in the Second Degree	felony punishable by imprisonment in the State Penitentiary not less than one (1) year nor more than fifteen (15) years

Proposed Structure

Charge- Rape by Instrumentation	Penalty Options
Rape in the First Degree (Version 1)	felony punishable by death or imprisonment in the State Penitentiary, not less than five (5) years
Rape in the First Degree (Version 2)	felony punishable by death or imprisonment in the custody of the Department of Corrections,

	for a term of not less than five (5) years, life or life without parole
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Because this bill aggregates all rape by instrumentation into rape in the first degree, contingent upon how many individuals are convicted and sentenced in the future, there is a high likelihood of more individuals receiving longer sentences. This could increase the OK Dept. of Corrections' inmate population.

Currently, the average daily cost for the Dept. of Corrections to house an inmate is \$52.24. Annually it averages \$19,067.60.

Prepared By: Kristina King

Other Considerations

None.