

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4

February 19, 2025

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 445

By: Hamilton and Jett

An Act relating to age of consent; amending 21 O.S. 2021, Sections 1111, as last amended by Section 8, Chapter 452, O.S.L. 2024, and 1112 (21 O.S. Supp. 2024, Section 1111), which relate to rape; increasing age of consent for sexual intercourse; modifying criteria for certain offense; updating statutory language; modifying elements of certain offense; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1111, as last amended by Section 8, Chapter 452, O.S.L. 2024 (21 O.S. Supp. 2024, Section 1111), is amended to read as follows:

Section 1111. A. Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female within or without the bonds of matrimony who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:

1. Where the victim is under ~~sixteen (16)~~ eighteen (18) years of age;

1 2. Where the victim is incapable through mental illness or any
2 other unsoundness of mind, whether temporary or permanent, of giving
3 legal consent;

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

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

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

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

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

1 subcontractor of the contractor of the state or federal government,
2 a county, a municipality, or a political subdivision that exercises
3 authority over the victim;

4 8. Where the victim is ~~at least sixteen (16) years of age and~~
5 ~~is~~ less than twenty (20) years of age and is a student, or under the
6 legal custody or supervision of any public or private elementary or
7 secondary school, junior high or high school, or public vocational
8 school, and engages in sexual intercourse with a person who is
9 eighteen (18) years of age or older and is an employee of a school
10 system;

11 9. Where the victim is nineteen (19) years of age or younger
12 and is in the legal custody of a state agency, federal agency, or
13 tribal court and engages in sexual intercourse with a foster parent
14 or foster parent applicant; or

15 10. Where the victim is a student at a secondary school, is
16 concurrently enrolled at an institution of higher education, and
17 engages in acts pursuant to this subsection with a perpetrator who
18 is an employee of the institution of higher education ~~of~~ at which
19 the victim is enrolled.

20 B. "Employee of an institution of higher education", for
21 purposes of this section, means faculty, adjunct faculty,
22 instructors, volunteers, or an employee of a business contracting
23 with an institution of higher education who may exercise, at any
24 time, institutional authority over the victim. Employee of an

1 institution of higher education shall not include an enrolled
2 student who is not more than three (3) years of age or older than
3 the concurrently enrolled student and who is employed or
4 volunteering, in any capacity, for the institution of higher
5 education.

6 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1112, is
7 amended to read as follows:

8 Section 1112. No person can be convicted of rape or rape by
9 instrumentation on account of an act of sexual intercourse with
10 anyone ~~over the age of fourteen (14)~~ sixteen (16) years of age or
11 older, with his or her consent, unless such person was ~~over the age~~
12 ~~of eighteen (18) years~~ more than four (4) years older than the other
13 person at the time of such act.

14 SECTION 3. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
19 February 19, 2025 - DO PASS AS AMENDED BY CS
20
21
22
23
24