

An Act

ENROLLED HOUSE
BILL NO. 1005

By: Biggs, Ritze, Pfeiffer and
Sanders of the House

and

Griffin and Sharp of the
Senate

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.

SUBJECT: Rape

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~~

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

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

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

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

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

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

Passed the House of Representatives the 13th day of February, 2017.

Presiding Officer of the House
of Representatives

Passed the Senate the 25th day of April, 2017.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____