

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                                     1st Session of the 58th Legislature (2021)

4   HOUSE BILL 2666

                              By: Echols of the House

5   and

6   **Garvin** of the Senate

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8  
9   AS INTRODUCED

10           An Act relating to crimes and punishments; amending  
11           21 O.S. 2011, Section 1111, as last amended by  
12           Section 3, Chapter 167, O.S.L. 2018 (21 O.S. Supp.  
13           2020, Section 1111), which relates to the definition  
          of rape; modifying elements of certain prohibited  
          act; deleting elements of spousal rape; and providing  
          an effective date.

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

17           SECTION 1.         AMENDATORY         21 O.S. 2011, Section 1111, as  
18  last amended by Section 3, Chapter 167, O.S.L. 2018 (21 O.S. Supp.  
19  2020, Section 1111), is amended to read as follows:

20           Section 1111.  ~~A.~~  Rape is an act of sexual intercourse  
21  involving vaginal or anal penetration accomplished with a male or  
22  female ~~who is not the spouse of the perpetrator and~~ within or  
23  without the bonds of matrimony who may be of the same or the  
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1 opposite sex as the perpetrator under any of the following  
2 circumstances:

3 1. Where the victim is under sixteen (16) years of age;

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

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

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

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

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

21 7. Where the victim is under the legal custody or supervision  
22 of a state agency, a federal agency, a county, a municipality or a  
23 political subdivision and engages in sexual intercourse with a  
24 state, federal, county, municipal or political subdivision employee

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

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

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

18 10. Where the victim is at least sixteen (16) years of age but  
19 less than eighteen (18) years of age and the perpetrator of the  
20 crime is a person responsible for the child's health, safety or  
21 welfare. "Person responsible for a the child's health, safety or  
22 welfare" shall include, but not be limited to:

- 23 a. a parent,  
24 b. a legal guardian,

- 1 c. custodian,  
2 d. a foster parent,  
3 e. a person eighteen (18) years of age or older with whom  
4 the child's parent cohabitates,  
5 f. any other adult residing in the home of the child,  
6 g. an agent or employee of a public or private  
7 residential home, institution, facility or day  
8 treatment program as defined in Section 175.20 of  
9 Title 10 of the Oklahoma Statutes, or  
10 h. an owner, operator or employee of a child care  
11 facility, as defined by Section 402 of Title 10 of the  
12 Oklahoma Statutes.

13 ~~B. Rape is an act of sexual intercourse accomplished with a~~  
14 ~~male or female who is the spouse of the perpetrator if force or~~  
15 ~~violence is used or threatened, accompanied by apparent power of~~  
16 ~~execution to the victim or to another person.~~

17 SECTION 2. This act shall become effective November 1, 2021.  
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19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated  
20 02/25/2021 - DO PASS, As Coauthored.  
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