

1 ENGROSSED HOUSE
2 BILL NO. 2666

By: Echols and Roe of the House
and
Garvin of the Senate

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7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Section 1111, as last amended by
9 Section 3, Chapter 167, O.S.L. 2018 (21 O.S. Supp.
10 2020, Section 1111), which relates to the definition
11 of rape; modifying elements of certain prohibited
12 act; deleting elements of spousal rape; and providing
13 an effective date.

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

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

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

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

- 20 a. a parent,
- 21 b. a legal guardian,
- 22 c. custodian,
- 23 d. a foster parent,

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

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

15 SECTION 2. This act shall become effective November 1, 2021.

16 Passed the House of Representatives the 3rd day of March, 2021.

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19 Presiding Officer of the House
20 of Representatives

21 Passed the Senate the ____ day of _____, 2021.

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24 Presiding Officer of the Senate