

1 **SENATE FLOOR VERSION**

2 April 7, 2021

3 ENGROSSED HOUSE
4 BILL NO. 2666

By: Echols, Roe and **Bell** of the
House

5 and

6 Garvin of the Senate

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9 An Act relating to crimes and punishments; amending
10 21 O.S. 2011, Section 1111, as last amended by
11 Section 3, Chapter 167, O.S.L. 2018 (21 O.S. Supp.
12 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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15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

- 1 1. Where the victim is under sixteen (16) years of age;
- 2 2. Where the victim is incapable through mental illness or any
3 other unsoundness of mind, whether temporary or permanent, of giving
4 legal consent;
- 5 3. Where force or violence is used or threatened, accompanied
6 by apparent power of execution to the victim or to another person;
- 7 4. Where the victim is intoxicated by a narcotic or anesthetic
8 agent, administered by or with the privity of the accused as a means
9 of forcing the victim to submit;
- 10 5. Where the victim is at the time unconscious of the nature of
11 the act and this fact is known to the accused;
- 12 6. Where the victim submits to sexual intercourse under the
13 belief that the person committing the act is a spouse, and this
14 belief is induced by artifice, pretense, or concealment practiced by
15 the accused or by the accused in collusion with the spouse with
16 intent to induce that belief. In all cases of collusion between the
17 accused and the spouse to accomplish such act, both the spouse and
18 the accused, upon conviction, shall be deemed guilty of rape;
- 19 7. Where the victim is under the legal custody or supervision
20 of a state agency, a federal agency, a county, a municipality or a
21 political subdivision and engages in sexual intercourse with a
22 state, federal, county, municipal or political subdivision employee
23 or an employee of a contractor of the state, the federal government,
24 a county, a municipality or a political subdivision that exercises

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

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

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

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

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

- 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 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
17 April 7, 2021 - DO PASS
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