

1 ENGROSSED SENATE
2 BILL NO. 615

By: Hamilton and Jett of the
Senate

3 and

4 Olsen of the House
5

6 An Act relating to age of consent; amending 21 O.S.
7 2021, Section 1111, as last amended by Section 2,
8 Chapter 260, O.S.L. 2022 (21 O.S. Supp. 2023, Section
9 1111), which relates to rape; modifying element of
10 certain crime; increasing age of consent for sexual
intercourse; amending 21 O.S. 2021, Section 1112,
which relates to age limitations on conviction for
rape; modifying elements of certain offense; and
declaring an emergency.

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

13 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1111, as
14 last amended by Section 2, Chapter 260, O.S.L. 2022 (21 O.S. Supp.
15 2023, Section 1111), is amended to read as follows:

16 Section 1111. A. Rape is an act of sexual intercourse
17 involving vaginal or anal penetration accomplished with a male or
18 female who is not the spouse of the perpetrator and who may be of
19 the same or the opposite sex as the perpetrator under any of the
20 following circumstances:

21 1. Where the victim is under ~~sixteen (16)~~ eighteen (18) years
22 of age;
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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 which the
19 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 C. Rape is an act of sexual intercourse accomplished with a
7 male or female who is the spouse of the perpetrator if force or
8 violence is used or threatened, accompanied by apparent power of
9 execution to the victim or to another person.

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

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

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

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1 Passed the Senate the 12th day of March, 2024.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2024.

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8 _____
9 Presiding Officer of the House
10 of Representatives