

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 615

By: Hamilton, Jett, and **Burns**
of the Senate

and

Olsen of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to age of consent; amending 21 O.S.
12 2021, Section 1111, as last amended by Section 2,
13 Chapter 260, O.S.L. 2022 (21 O.S. Supp. 2023, Section
14 1111), which relates to rape; modifying element of
15 certain crime; increasing age of consent for sexual
16 intercourse; amending 21 O.S. 2021, Section 1112,
17 which relates to age limitations on conviction for
18 rape; modifying elements of certain offense; and
19 declaring an emergency.

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

21 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1111, as
22 last amended by Section 2, Chapter 260, O.S.L. 2022 (21 O.S. Supp.
23 2023, Section 1111), is amended to read as follows:

24 Section 1111. A. Rape is an act of sexual intercourse
involving vaginal or anal penetration accomplished with a male or
female who is not the spouse of the perpetrator and who may be of

1 the same or the opposite sex as the perpetrator under any of the
2 following circumstances:

3 1. Where the victim is under ~~sixteen (16)~~ eighteen (18) years
4 of age;

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

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

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

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

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

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

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

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

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

19 10. Where the victim is a student at a secondary school, is
20 concurrently enrolled at an institution of higher education, and
21 engages in acts pursuant to this subsection with a perpetrator who
22 is an employee of the institution of higher education of which the
23 victim is enrolled.

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1 B. "Employee of an institution of higher education", for
2 purposes of this section, means faculty, adjunct faculty,
3 instructors, volunteers, or an employee of a business contracting
4 with an institution of higher education who may exercise, at any
5 time, institutional authority over the victim. Employee of an
6 institution of higher education shall not include an enrolled
7 student who is not more than three (3) years of age or older than
8 the concurrently enrolled student and who is employed or
9 volunteering, in any capacity, for the institution of higher
10 education.

11 C. 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. AMENDATORY 21 O.S. 2021, Section 1112, is
16 amended to read as follows:

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

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
5 04/03/2024 - DO PASS, As Amended and Coauthored.

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