

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1995

By: Turner

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; amending
9 21 O.S. 2021, Sections 1111, as last amended by
10 Section 8, Chapter 452, O.S.L. 2024, and 1123, as
11 last amended by Section 33, Chapter 59, O.S.L. 2024
12 (21 O.S. Supp. 2024, Sections 1111 and 1123), which
13 relate to definitions of sex crimes; designating
14 school resource officers as employees of a school
15 system; and declaring an emergency.

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

17 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1111, as
18 last amended by Section 8, Chapter 452, O.S.L. 2024 (21 O.S. Supp.
19 2024, 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 within or without the bonds of matrimony who may be of the
23 same or the opposite sex as the perpetrator under any of the
24 following circumstances:

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 a school
10 system. For purposes of this section, "employee of a school system"
11 shall include employed and contracted school resource officers and
12 security guards;

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

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

22 B. "Employee of an institution of higher education", for
23 purposes of this section, means faculty, adjunct faculty,
24 instructors, volunteers, or an employee of a business contracting

1 with an institution of higher education who may exercise, at any
2 time, institutional authority over the victim. Employee of an
3 institution of higher education shall not include an enrolled
4 student who is not more than three (3) years of age or older than
5 the concurrently enrolled student and who is employed or
6 volunteering, in any capacity, for the institution of higher
7 education.

8 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1123, as
9 last amended by Section 33, Chapter 59, O.S.L. 2024 (21 O.S. Supp.
10 2024, Section 1123), is amended to read as follows:

11 Section 1123. A. It is a felony for any person to knowingly
12 and intentionally:

13 1. Make any oral, written or electronically or computer-
14 generated lewd or indecent proposal to any child under sixteen (16)
15 years of age, or other individual the person believes to be a child
16 under sixteen (16) years of age, for the child to have unlawful
17 sexual relations or sexual intercourse with any person;

18 2. Look upon, touch, maul, or feel the body or private parts of
19 any child under sixteen (16) years of age in any lewd or lascivious
20 manner by any acts against public decency and morality, as defined
21 by law;

22 3. Ask, invite, entice, or persuade any child under sixteen
23 (16) years of age, or other individual the person believes to be a
24 child under sixteen (16) years of age, to go alone with any person

1 to a secluded, remote, or secret place, with the unlawful and
2 willful intent and purpose then and there to commit any crime
3 against public decency and morality, as defined by law, with the
4 child;

5 4. In any manner lewdly or lasciviously look upon, touch, maul,
6 or feel the body or private parts of any child under sixteen (16)
7 years of age in any indecent manner or in any manner relating to
8 sexual matters or sexual interest; or

9 5. In a lewd and lascivious manner and for the purpose of
10 sexual gratification:

- 11 a. urinate or defecate upon a child under sixteen (16)
12 years of age, or force or require a child to defecate
13 or urinate upon the body or private parts of another,
14 or for the purpose of sexual gratification,
- 15 b. ejaculate upon or in the presence of a child,
- 16 c. cause, expose, force or require a child to look upon
17 the body or private parts of another person,
- 18 d. force or require any child under sixteen (16) years of
19 age or other individual the person believes to be a
20 child under sixteen (16) years of age, to view any
21 obscene materials, child sexual abuse material or
22 materials deemed harmful to minors as such terms are
23 defined by Sections 1024.1 and 1040.75 of this title,
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- 1 e. cause, expose, force or require a child to look upon
2 sexual acts performed in the presence of the child, or
3 f. force or require a child to touch or feel the body or
4 private parts of the child or another person.

5 Any person convicted of any violation of this subsection shall
6 be punished by imprisonment in the custody of the Department of
7 Corrections for not less than three (3) years nor more than twenty
8 (20) years, except when the child is under twelve (12) years of age
9 at the time the offense is committed, and in such case the person
10 shall, upon conviction, be punished by imprisonment in the custody
11 of the Department of Corrections for not less than twenty-five (25)
12 years. The provisions of this subsection shall not apply unless the
13 accused is at least three (3) years older than the victim, except
14 when accomplished by the use of force or fear. Except as provided
15 in Section 51.1a of this title, any person convicted of a second or
16 subsequent violation of this subsection shall be guilty of a felony
17 punishable as provided in this subsection and shall not be eligible
18 for probation, suspended or deferred sentence. Except as provided
19 in Section 51.1a of this title, any person convicted of a third or
20 subsequent violation of this subsection shall be guilty of a felony
21 punishable by imprisonment in the custody of the Department of
22 Corrections for a term of life or life without parole, in the
23 discretion of the jury, or in case the jury fails or refuses to fix
24 punishment then the same shall be pronounced by the court. Any

1 person convicted of a violation of this subsection after having been
2 twice convicted of a violation of subsection A of Section 1114 of
3 this title, Section 888 of this title, sexual abuse of a child
4 pursuant to Section 843.5 of this title, or of any attempt to commit
5 any of these offenses or any combination of convictions pursuant to
6 these sections shall be punished by imprisonment in the custody of
7 the Department of Corrections for a term of life or life without
8 parole.

9 B. No person shall commit sexual battery on any other person.

10 "Sexual battery" shall mean the intentional touching, mauling or
11 feeling of the body or private parts of any person sixteen (16)
12 years of age or older, in a lewd and lascivious manner:

13 1. Without the consent of that person;

14 2. When committed by a state, county, municipal or political
15 subdivision employee or a contractor or an employee of a contractor
16 of the state, a county, a municipality or political subdivision of
17 this state upon a person who is under the legal custody, supervision
18 or authority of a state agency, a county, a municipality or a
19 political subdivision of this state, or the subcontractor or
20 employee of a subcontractor of the contractor of the state or
21 federal government, a county, a municipality or a political
22 subdivision of this state;

23 3. When committed upon a person who is at least sixteen (16)
24 years of age and is less than twenty (20) years of age and is a

1 student, or in the legal custody or supervision of any public or
2 private elementary or secondary school, or technology center school,
3 by a person who is eighteen (18) years of age or older and is an
4 employee of a school system;

5 4. When committed upon a person who is nineteen (19) years of
6 age or younger and is in the legal custody of a state agency,
7 federal agency or a tribal court, by a foster parent or foster
8 parent applicant; or

9 5. When the victim is a student at a secondary school, is
10 concurrently enrolled at an institution of higher education, and
11 engages in acts pursuant to this subsection with a perpetrator who
12 is an employee of the institution of higher education of which the
13 student is enrolled.

14 As used in this subsection, "employee of an institution of
15 higher education" means faculty, adjunct faculty, instructors,
16 volunteers, or an employee of a business contracting with an
17 institution of higher education who may exercise, at any time,
18 institutional authority over the victim. Employee of an institution
19 of higher education shall not include an enrolled student who is not
20 more than three (3) years of age or older than the concurrently
21 enrolled student and who is employed or volunteering, in any
22 capacity, for the institution of higher education.

23 As used in this subsection, "employee of a school system" means
24 a teacher, principal or other duly appointed person employed by a

1 school system or an employee of a firm contracting with a school
2 system, including a school resource officer and security guard.

3 C. No person shall in any manner lewdly or lasciviously:

4 1. Look upon, touch, maul, or feel the body or private parts of
5 any human corpse in any indecent manner relating to sexual matters
6 or sexual interest; or

7 2. Urinate, defecate or ejaculate upon any human corpse.

8 D. Any person convicted of a violation of subsection B or C of
9 this section shall be deemed guilty of a felony and shall be
10 punished by imprisonment in the custody of the Department of
11 Corrections for not more than ten (10) years.

12 E. The fact that an undercover operative or law enforcement
13 officer was involved in the detection and investigation of an
14 offense pursuant to this section shall not constitute a defense to a
15 prosecution under this section.

16 F. Except for persons sentenced to life or life without parole,
17 any person sentenced to imprisonment for two (2) years or more for a
18 violation of this section shall be required to serve a term of post-
19 imprisonment supervision pursuant to subparagraph f of paragraph 1
20 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
21 under conditions determined by the Department of Corrections. The
22 jury shall be advised that the mandatory post-imprisonment
23 supervision shall be in addition to the actual imprisonment.

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

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