

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

POLICY COMMITTEE
RECOMMENDATION
FOR ENGROSSED
SENATE BILL NO. 599

By: Hamilton, Burns, Bullard,
Prieto, Deevers,
Standridge, McIntosh,
Grellner, Wingard, Hines,
Woods, Sacchieri, Murdock,
Bergstrom, Frix, and
Guthrie of the Senate

and

Turner of the House

POLICY COMMITTEE RECOMMENDATION

An Act relating to crimes and punishments; amending
21 O.S. 2021, Section 1123, as last amended by
Section 33, Chapter 59, O.S.L. 2024 (21 O.S. Supp.
2024, Section 1123), which relates to lewd or
indecent acts to a child; modifying scope of
punishment for certain crimes; and providing an
effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1123, as
last amended by Section 33, Chapter 59, O.S.L. 2024 (21 O.S. Supp.
2024, Section 1123), is amended to read as follows:

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

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

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

12 3. Ask, invite, entice, or persuade any child under sixteen
13 (16) years of age, or other individual the person believes to be a
14 child under sixteen (16) years of age, to go alone with any person
15 to a secluded, remote, or secret place, with the unlawful and
16 willful intent and purpose then and there to commit any crime
17 against public decency and morality, as defined by law, with the
18 child;

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

23 5. In a lewd and lascivious manner and for the purpose of
24 sexual gratification:

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

18 Any person convicted of any violation of this subsection shall
19 be punished by imprisonment in the custody of the Department of
20 Corrections for not less than three (3) years nor more than twenty
21 (20) years, except when the child is under twelve (12) years of age
22 at the time the offense is committed, and in such case the person
23 shall, upon conviction, be punished by death or by imprisonment in
24 the custody of the Department of Corrections for a term of not less

1 than ~~twenty five (25)~~ ten (10) years, life, or life without parole.
2 The provisions of this subsection shall not apply unless the accused
3 is at least three (3) years older than the victim, except when
4 accomplished by the use of force or fear. Except as provided in
5 Section 51.1a of this title, any person convicted of a second or
6 subsequent violation of this subsection shall be guilty of a felony
7 punishable as provided in this subsection and shall not be eligible
8 for probation, suspended or deferred sentence. Except as provided
9 in Section 51.1a of this title, any person convicted of a third or
10 subsequent violation of this subsection shall be guilty of a felony
11 punishable by imprisonment in the custody of the Department of
12 Corrections for a term of life or life without parole, in the
13 discretion of the jury, or in case the jury fails or refuses to fix
14 punishment then the same shall be pronounced by the court. Any
15 person convicted of a violation of this subsection after having been
16 twice convicted of a violation of subsection A of Section 1114 of
17 this title, Section 888 of this title, sexual abuse of a child
18 pursuant to Section 843.5 of this title, or of any attempt to commit
19 any of these offenses or any combination of convictions pursuant to
20 these sections shall be punished by imprisonment in the custody of
21 the Department of Corrections for a term of life or life without
22 parole.

23 B. No person shall commit sexual battery on any other person.
24 "Sexual battery" shall mean the intentional touching, mauling or

1 feeling of the body or private parts of any person sixteen (16)
2 years of age or older, in a lewd and lascivious manner:

3 1. Without the consent of that person;

4 2. When committed by a state, county, municipal or political
5 subdivision employee or a contractor or an employee of a contractor
6 of the state, a county, a municipality or political subdivision of
7 this state upon a person who is under the legal custody, supervision
8 or authority of a state agency, a county, a municipality or a
9 political subdivision of this state, or the subcontractor or
10 employee of a subcontractor of the contractor of the state or
11 federal government, a county, a municipality or a political
12 subdivision of this state;

13 3. When committed upon a person who is at least sixteen (16)
14 years of age and is less than twenty (20) years of age and is a
15 student, or in the legal custody or supervision of any public or
16 private elementary or secondary school, or technology center school,
17 by a person who is eighteen (18) years of age or older and is an
18 employee of a school system;

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

23 5. When the victim is a student at a secondary school, is
24 concurrently enrolled at an institution of higher education, and

1 engages in acts pursuant to this subsection with a perpetrator who
2 is an employee of the institution of higher education of which the
3 student is enrolled.

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

13 As used in this subsection, "employee of a school system" means
14 a teacher, principal or other duly appointed person employed by a
15 school system or an employee of a firm contracting with a school
16 system.

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

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

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

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

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

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

15 SECTION 2. This act shall become effective November 1, 2025.

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