

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 445

6 By: Hamilton

7 COMMITTEE SUBSTITUTE

8 An Act relating to age of consent; amending 21 O.S.
9 2021, Sections 1111, as last amended by Section 8,
10 Chapter 452, O.S.L. 2024, and 1112 (21 O.S. Supp.
11 2024, Section 1111), which relate to rape; increasing
12 age of consent for sexual intercourse; modifying
13 criteria for certain offense; updating statutory
14 language; modifying elements of certain offense; and
15 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 1. Where the victim is under ~~sixteen (16)~~ eighteen (18) years
2 of age;
- 3 2. Where the victim is incapable through mental illness or any
4 other unsoundness of mind, whether temporary or permanent, of giving
5 legal consent;
- 6 3. Where force or violence is used or threatened, accompanied
7 by apparent power of execution to the victim or to another person;
- 8 4. Where the victim is intoxicated by a narcotic or anesthetic
9 agent, administered by or with the privity of the accused as a means
10 of forcing the victim to submit;
- 11 5. Where the victim is at the time unconscious of the nature of
12 the act and this fact is known to the accused;
- 13 6. Where the victim submits to sexual intercourse under the
14 belief that the person committing the act is a spouse, and this
15 belief is induced by artifice, pretense, or concealment practiced by
16 the accused or by the accused in collusion with the spouse with
17 intent to induce that belief. In all cases of collusion between the
18 accused and the spouse to accomplish such act, both the spouse and
19 the accused, upon conviction, shall be deemed guilty of rape;
- 20 7. Where the victim is under the legal custody or supervision
21 of a state agency, a federal agency, a county, a municipality, or a
22 political subdivision and engages in sexual intercourse with a
23 state, federal, county, municipal, or political subdivision employee
24 or an employee of a contractor of the state, the federal government,

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

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

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~~ at which
21 the 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 1112, is
9 amended to read as follows:

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

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

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