

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1995

By: Turner

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5
6 AS INTRODUCED

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

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

16 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1111, as
17 last amended by Section 8, Chapter 452, O.S.L. 2024 (21 O.S. Supp.
18 2024, Section 1111), is amended to read as follows:

19 Section 1111. A. Rape is an act of sexual intercourse
20 involving vaginal or anal penetration accomplished with a male or
21 female within or without the bonds of matrimony who may be of the
22 same or the opposite sex as the perpetrator under any of the
23 following circumstances:

- 24 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;

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

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

21 B. "Employee of an institution of higher education", for
22 purposes of this section, means faculty, adjunct faculty,
23 instructors, volunteers, or an employee of a business contracting
24 with an institution of higher education who may exercise, at any

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

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

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

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

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

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

1 willful intent and purpose then and there to commit any crime
2 against public decency and morality, as defined by law, with the
3 child;

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

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

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

1 f. force or require a child to touch or feel the body or
2 private parts of the child or another person.

3 Any person convicted of any violation of this subsection shall
4 be punished by imprisonment in the custody of the Department of
5 Corrections for not less than three (3) years nor more than twenty
6 (20) years, except when the child is under twelve (12) years of age
7 at the time the offense is committed, and in such case the person
8 shall, upon conviction, be punished by imprisonment in the custody
9 of the Department of Corrections for not less than twenty-five (25)
10 years. The provisions of this subsection shall not apply unless the
11 accused is at least three (3) years older than the victim, except
12 when accomplished by the use of force or fear. Except as provided
13 in Section 51.1a of this title, any person convicted of a second or
14 subsequent violation of this subsection shall be guilty of a felony
15 punishable as provided in this subsection and shall not be eligible
16 for probation, suspended or deferred sentence. Except as provided
17 in Section 51.1a of this title, any person convicted of a third or
18 subsequent violation of this subsection shall be guilty of a felony
19 punishable by imprisonment in the custody of the Department of
20 Corrections for a term of life or life without parole, in the
21 discretion of the jury, or in case the jury fails or refuses to fix
22 punishment then the same shall be pronounced by the court. Any
23 person convicted of a violation of this subsection after having been
24 twice convicted of a violation of subsection A of Section 1114 of

1 this title, Section 888 of this title, sexual abuse of a child
2 pursuant to Section 843.5 of this title, or of any attempt to commit
3 any of these offenses or any combination of convictions pursuant to
4 these sections shall be punished by imprisonment in the custody of
5 the Department of Corrections for a term of life or life without
6 parole.

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

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

11 1. Without the consent of that person;

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

21 3. When committed upon a person who is at least sixteen (16)
22 years of age and is less than twenty (20) years of age and is a
23 student, or in the legal custody or supervision of any public or
24 private elementary or secondary school, or technology center school,

1 by a person who is eighteen (18) years of age or older and is an
2 employee of a school system;

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

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

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

21 As used in this subsection, "employee of a school system" means
22 a teacher, principal or other duly appointed person employed by a
23 school system or an employee of a firm contracting with a school
24 system, including a school resource officer.

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

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

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

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

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

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

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