

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
FOR
5 HOUSE BILL NO. 1995

By: Turner of the House

6 and

7 **Hamilton** of the Senate

10 COMMITTEE SUBSTITUTE

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

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

20 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1111, as
21 last amended by Section 8, Chapter 452, O.S.L. 2024 (21 O.S. Supp.
22 2024, Section 1111), is amended to read as follows:

23 Section 1111. A. Rape is an act of sexual intercourse
24 involving vaginal or anal penetration accomplished with a male or
 female within or without the bonds of matrimony who may be of the

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

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

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

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

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

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

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

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

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

7 8. Where the victim is at least sixteen (16) years of age and
8 is less than twenty (20) years of age and is a student, or under the
9 legal custody or supervision of any public or private elementary or
10 secondary school, junior high or high school, or public vocational
11 school, and engages in sexual intercourse with a person who is
12 eighteen (18) years of age or older and is an employee of a school
13 system. For purposes of this section, "employee of a school system"
14 shall include employed and contracted school resource officers and
15 security guards;

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

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

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 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1123, as
12 last amended by Section 33, Chapter 59, O.S.L. 2024 (21 O.S. Supp.
13 2024, Section 1123), is amended to read as follows:

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

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

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

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

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

12 5. In a lewd and lascivious manner and for the purpose of
13 sexual gratification:

- 14 a. urinate or defecate upon a child under sixteen (16)
15 years of age, or force or require a child to defecate
16 or urinate upon the body or private parts of another,
17 or for the purpose of sexual gratification,
- 18 b. ejaculate upon or in the presence of a child,
- 19 c. cause, expose, force or require a child to look upon
20 the body or private parts of another person,
- 21 d. force or require any child under sixteen (16) years of
22 age or other individual the person believes to be a
23 child under sixteen (16) years of age, to view any
24 obscene materials, child sexual abuse material or

1 materials deemed harmful to minors as such terms are
2 defined by Sections 1024.1 and 1040.75 of this title,
3 e. cause, expose, force or require a child to look upon
4 sexual acts performed in the presence of the child, or
5 f. force or require a child to touch or feel the body or
6 private parts of the child or another person.

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

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

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

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

15 1. Without the consent of that person;

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

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

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

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

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

1 As used in this subsection, "employee of a school system" means
2 a teacher, principal or other duly appointed person employed by a
3 school system or an employee of a firm contracting with a school
4 system, including a school resource officer and security guard.

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

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

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

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

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

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

1 jury shall be advised that the mandatory post-imprisonment
2 supervision shall be in addition to the actual imprisonment.

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

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8 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION OVERSIGHT, dated
02/26/2025 - DO PASS, As Amended and Coauthored.

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