

1 **SENATE FLOOR VERSION**

2 March 1, 2022

3 **AS AMENDED**

4 SENATE BILL NO. 974

By: Weaver of the Senate

and

5 Pae of the House

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7  
8 An Act relating to criminal prosecutions; amending 22  
9 O.S. 2021, Section 152, which relates to statute of  
10 limitations; clarifying applicability of exceptions  
and definition; modifying statute of limitations for  
certain offense; and providing an effective date.

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

14 SECTION 1. AMENDATORY 22 O.S. 2021, Section 152, is  
15 amended to read as follows:

16 Section 152. A. Prosecutions for the crimes of bribery,  
17 embezzlement of public money, bonds, securities, assets or property  
18 of the state or any county, school district, municipality or other  
19 subdivision thereof, or of any misappropriation of public money,  
20 bonds, securities, assets or property of the state or any county,  
21 school district, municipality or other subdivision thereof,  
22 falsification of public records of the state or any county, school  
23 district, municipality or other subdivision thereof, and conspiracy  
24 to defraud the State of Oklahoma or any county, school district,

1 municipality or other subdivision thereof in any manner or for any  
2 purpose shall be commenced within seven (7) years after the  
3 discovery of the crime; provided, however, prosecutions for the  
4 crimes of embezzlement or misappropriation of public money, bonds,  
5 securities, assets or property of any school district, including  
6 those relating to student activity funds, or the crime of  
7 falsification of public records of any independent school district,  
8 the crime of criminal conspiracy, the crime of embezzlement pursuant  
9 to Sections 1451 through 1461 of Title 21 of the Oklahoma Statutes,  
10 the crime of False Personation or Identity Theft pursuant to  
11 Sections 1531 through 1533.3 of Title 21 of the Oklahoma Statutes,  
12 the financial exploitation of a vulnerable adult pursuant to  
13 Sections 843.1, 843.3 and 843.4 of Title 21 of the Oklahoma  
14 Statutes, or Medicaid fraud pursuant to Section 1005 of Title 56 of  
15 the Oklahoma Statutes, shall be commenced within five (5) years  
16 after the discovery of the crime.

17 B. Prosecutions for criminal violations of any state income tax  
18 laws shall be commenced within five (5) years after the commission  
19 of such violation.

20 C. 1. Prosecutions for sexual crimes against children,  
21 specifically rape or forcible sodomy, sodomy, lewd or indecent  
22 proposals or acts against children, involving minors in pornography  
23 pursuant to Section 886, 888, 1111, 1111.1, 1113, 1114, 1021.2,  
24 1021.3, 1040.12a or 1123 of Title 21 of the Oklahoma Statutes, child

1 abuse pursuant to Section 843.5 of Title 21 of the Oklahoma  
2 Statutes, and child trafficking pursuant to Section 866 of Title 21  
3 of the Oklahoma Statutes shall be commenced by the forty-fifth  
4 birthday of the alleged victim. Prosecutions for such crimes  
5 committed against victims eighteen (18) years of age or older shall  
6 be commenced within twelve (12) years after the discovery of the  
7 crime. As used in this paragraph, "discovery" means the date that a  
8 physical or sexually related crime involving a victim eighteen (18)  
9 years of age or older is reported to a law enforcement agency.

10 2. However, prosecutions for the crimes listed in paragraph 1  
11 of this subsection may be commenced at any time after the commission  
12 of the offense if:

- 13 a. physical evidence is collected and preserved that is  
14 capable of being tested to obtain a profile from  
15 deoxyribonucleic acid (DNA), and
- 16 b. the identity of the offender is subsequently  
17 established through the use of a DNA profile using  
18 evidence listed in subparagraph a of this paragraph.

19 A prosecution under this exception must be commenced within  
20 three (3) years from the date on which the identity of the suspect  
21 is established by DNA testing.

22 3. No prosecution under this subsection shall be based upon the  
23 memory of the victim that has been recovered through psychotherapy  
24 unless there is some evidence independent of such repressed memory.

1        4. Any person who knowingly and willfully makes a false claim  
2 pursuant to this subsection or a claim that the person knows lacks  
3 factual foundation may be reported to local law enforcement for  
4 criminal investigation and, upon conviction, shall be guilty of a  
5 felony.

6        D. Prosecutions for criminal violations of any provision of the  
7 Oklahoma Wildlife Conservation Code shall be commenced within three  
8 (3) years after the commission of such offense.

9        E. Prosecutions for the crime of criminal fraud or workers'  
10 compensation fraud pursuant to Section 1541.1, 1541.2, 1662 or 1663  
11 of Title 21 of the Oklahoma Statutes shall commence within three (3)  
12 years after the discovery of the crime, but in no event greater than  
13 seven (7) years after the commission of the crime.

14        F. Prosecution for the crime of false or bogus check pursuant  
15 to Section 1541.1, 1541.2, 1541.3 or 1541.4 of Title 21 of the  
16 Oklahoma Statutes shall be commenced within five (5) years after the  
17 commission of such offense.

18        G. Prosecution for the crime of solicitation for murder in the  
19 first degree pursuant to Section 701.16 of Title 21 of the Oklahoma  
20 Statutes shall be commenced within seven (7) years after the  
21 discovery of the crime. For purposes of this subsection,  
22 "discovery" means the date upon which the crime is made known to  
23 anyone other than a person involved in the solicitation.

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1 H. In all other cases a prosecution for a public offense must  
2 be commenced within three (3) years after its commission.

3 I. Prosecution for the crime of accessory after the fact must  
4 be commenced within the same statute of limitations as that of the  
5 felony for which the person acted as an accessory.

6 J. Prosecution for the crime of arson pursuant to Section 1401,  
7 1402, 1403, 1404 or 1405 of Title 21 of the Oklahoma Statutes shall  
8 be commenced within seven (7) years after the commission of the  
9 crime.

10 K. Prosecutions for criminal violations in which a deadly  
11 weapon is used to commit a felony or prosecutions for criminal  
12 violations in which a deadly weapon is used in an attempt to commit  
13 a felony shall be commenced within seven (7) years after the  
14 commission of the crime.

15 ~~L. No prosecution under subsection C of this section shall be~~  
16 ~~based upon the memory of the victim that has been recovered through~~  
17 ~~psychotherapy unless there is some evidence independent of such~~  
18 ~~repressed memory.~~

19 ~~Any person who knowingly and willfully makes a false claim~~  
20 ~~pursuant to subsection C of this section or a claim that the person~~  
21 ~~knows lacks factual foundation may be reported to local law~~  
22 ~~enforcement for criminal investigation and, upon conviction, shall~~  
23 ~~be guilty of a felony.~~

1 M. ~~As used in paragraph 1 of subsection C of this section,~~  
2 ~~"discovery" means the date that a physical or sexually related crime~~  
3 ~~involving a victim eighteen (18) years of age or older is reported~~  
4 ~~to a law enforcement agency.~~ Prosecutions for the crime of human  
5 trafficking pursuant to Section 748 of Title 21 of the Oklahoma  
6 Statutes shall be commenced within three (3) years after discovery  
7 of the crime. For purposes of this subsection, "discovery" means  
8 the date upon which the crime is reported to a law enforcement  
9 agency.

10 SECTION 2. This act shall become effective **November 1, 2022.**

11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
12 March 1, 2022 - DO PASS AS AMENDED  
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