

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 974

By: Weaver

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5
6 AS INTRODUCED

7 An Act relating to criminal prosecutions; amending 22
8 O.S. 2011, Section 152, as last amended by Section 2,
9 Chapter 134, O.S.L. 2017 (22 O.S. Supp. 2020, Section
10 152), which relates to statute of limitations;
11 clarifying applicability of exceptions and
12 definition; modifying statute of limitations for
13 certain offense; and providing an effective date.

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

15 SECTION 1. AMENDATORY 22 O.S. 2011, Section 152, as last
16 amended by Section 2, Chapter 134, O.S.L. 2017 (22 O.S. Supp. 2020,
17 Section 152), is amended to read as follows:

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

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

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

21 C. 1. Prosecutions for sexual crimes against children,
22 specifically rape or forcible sodomy, sodomy, lewd or indecent
23 proposals or acts against children, involving minors in pornography
24 pursuant to Section 886, 888, 1111, 1111.1, 1113, 1114, 1021.2,

1 1021.3, 1040.12a or 1123 of Title 21 of the Oklahoma Statutes, child
2 abuse pursuant to Section 843.5 of Title 21 of the Oklahoma
3 Statutes, and child trafficking pursuant to Section 866 of Title 21
4 of the Oklahoma Statutes shall be commenced by the forty-fifth
5 birthday of the alleged victim. Prosecutions for such crimes
6 committed against victims eighteen (18) years of age or older shall
7 be commenced within twelve (12) years after the discovery of the
8 crime. As used in this paragraph, "discovery" means the date that a
9 physical or sexually related crime involving a victim eighteen (18)
10 years of age or older is reported to a law enforcement agency.

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

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

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

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

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

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

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

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

21 G. Prosecution for the crime of solicitation for murder in the
22 first degree pursuant to Section 701.16 of Title 21 of the Oklahoma
23 Statutes shall be commenced within seven (7) years after the
24 discovery of the crime. For purposes of this subsection,

1 "discovery" means the date upon which the crime is made known to
2 anyone other than a person involved in the solicitation.

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

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

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

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

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

21 ~~Any person who knowingly and willfully makes a false claim~~
22 ~~pursuant to subsection C of this section or a claim that the person~~
23 ~~knows lacks factual foundation may be reported to local law~~

1 ~~enforcement for criminal investigation and, upon conviction, shall~~
2 ~~be guilty of a felony.~~

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

12 SECTION 2. This act shall become effective November 1, 2021.

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