

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1658

By: Garvin

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2021, Section 152, as amended by Section 1, Chapter 174, O.S.L. 2022 (22 O.S. Supp. 2023, Section 152), which relates to statute of limitations; imposing statute of limitations for certain offense; modifying grounds for which certain prosecutions may be commenced; providing for retroactive application of certain provisions; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 152, as amended by Section 1, Chapter 174, O.S.L. 2022 (22 O.S. Supp. 2023, Section 152), is amended to read as follows:

Section 152. A. Prosecutions for the crimes of bribery, embezzlement of public money, bonds, securities, assets or property of the state or any county, school district, municipality or other subdivision thereof, or of any misappropriation of public money, bonds, securities, assets or property of the state or any county, school district, municipality or other subdivision thereof, falsification of public records of the state or any county, school

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

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

22 C. 1. Prosecutions for sexual crimes against children,  
23 specifically rape or forcible sodomy, sodomy, lewd or indecent  
24 proposals or acts against children, involving minors in pornography

1 pursuant to Section 886, 888, 1111, 1111.1, 1113, 1114, 1021.2,  
2 1021.3, 1040.12a or 1123 of Title 21 of the Oklahoma Statutes, child  
3 abuse pursuant to Section 843.5 of Title 21 of the Oklahoma  
4 Statutes, sexual abuse of a vulnerable adult pursuant to Section  
5 843.1 of Title 21 of the Oklahoma Statutes, and child trafficking  
6 pursuant to Section 866 of Title 21 of the Oklahoma Statutes shall  
7 be commenced by the forty-fifth birthday of the alleged victim.  
8 Prosecutions for such crimes committed against victims eighteen (18)  
9 years of age or older shall be commenced within twelve (12) years  
10 after the discovery of the crime. As used in this paragraph,  
11 "discovery" means the date that a physical or sexually related crime  
12 involving a victim eighteen (18) years of age or older is reported  
13 to a law enforcement agency. Any offense for which the prosecution  
14 is not time-barred upon the effective date of this act shall be  
15 retroactively subject to the provisions of this subsection.

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

- 19 a. physical evidence is collected and preserved that is  
20 capable of being tested to obtain a profile from  
21 deoxyribonucleic acid (DNA), and
- 22 b. probable cause as to the identity of the offender is  
23 subsequently established through the use of a DNA

1 profile using evidence listed in subparagraph a of  
2 this paragraph, or

3 c. the accused person has provided a confession or  
4 admission related to the crime.

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

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

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

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

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

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

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

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

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

16 J. Prosecution for the crime of arson pursuant to Section 1401,  
17 1402, 1403, 1404 or 1405 of Title 21 of the Oklahoma Statutes shall  
18 be commenced within seven (7) years after the commission of the  
19 crime.

20 K. Prosecutions for criminal violations in which a deadly  
21 weapon is used to commit a felony or prosecutions for criminal  
22 violations in which a deadly weapon is used in an attempt to commit  
23 a felony shall be commenced within seven (7) years after the  
24 commission of the crime.

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L. Prosecutions for the crime of human trafficking pursuant to Section 748 of Title 21 of the Oklahoma Statutes shall be commenced within three (3) years after discovery of the crime. For purposes of this subsection, "discovery" means the date upon which the crime is reported to a law enforcement agency.

SECTION 2. This act shall become effective November 1, 2024.

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