

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 ENGROSSED SENATE
5 BILL NO. 731

 By: Stanley of the Senate
 and
 Miller of the House

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9 An Act relating to the Oklahoma Evidence Code;
10 amending 12 O.S. 2021, Section 2803.1, as last
11 amended by Section 1, Chapter 104, O.S.L. 2024 (12
12 O.S. Supp. 2024, Section 2803.1), which relates to
13 hearsay; modifying certain hearsay exception to
14 include statements by vulnerable adults; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 12 O.S. 2021, Section 2803.1, as
18 last amended by Section 1, Chapter 104, O.S.L. 2024 (12 O.S. Supp.
19 2024, Section 2803.1), is amended to read as follows:

20 Section 2803.1. A. The following statements are admissible in
21 juvenile deprived proceedings and pre-trial and post-trial criminal
22 and juvenile delinquent proceedings including preliminary hearings,
23 prosecutive merit hearings, and hearings on the revocation of
24 probation or acceleration of a deferred judgment:

1 1. A statement made by a child who has not attained sixteen
2 (16) years of age at the time the statement is made, a child sixteen
3 (16) years of age or older who has a disability, or a person who is
4 an incapacitated person or vulnerable adult as defined by Section
5 10-103 of Title 43A of the Oklahoma Statutes, which describes any
6 act of physical abuse, domestic abuse, neglect, enabling physical
7 abuse or neglect against the child ~~or~~, incapacitated person, or
8 vulnerable adult or any act of sexual contact, any conduct
9 proscribed by Sections 741, 745, 748, 843.1, 843.2, 843.3, 843.4,
10 843.5, or 1111, 1111.1, 1112, 1113, 1114, 1115, 1116, 1117, 1118,
11 1119, 1123, or 1125 of Title 21 of the Oklahoma Statutes, performed
12 with or on the child ~~or~~, incapacitated person, or vulnerable adult
13 by another, or any act or omission resulting in great bodily injury
14 to the child ~~or~~, incapacitated person, or vulnerable adult; and

15 2. A statement made by a child who has not attained sixteen
16 (16) years of age at the time the statement is made, a child sixteen
17 (16) years of age or older who has a disability, or a person who is
18 an incapacitated person or vulnerable adult as defined by Section
19 10-103 of Title 43A of the Oklahoma Statutes, which describes any
20 act of physical abuse, neglect, or enabling physical abuse or
21 neglect against another child ~~or~~, incapacitated person, or
22 vulnerable adult, any act of sexual contact with another child ~~or~~,
23 incapacitated person, or vulnerable adult, any conduct proscribed by
24 Sections 741, 745, 748, 843.1, 843.2, 843.3, 843.4, 843.5, or 1111,

1 1111.1, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1123, or
2 1125 of Title 21 of the Oklahoma Statutes, any act of domestic
3 abuse, or any act or omission resulting in death or great bodily
4 injury to a human being, provided that the child ~~or~~, incapacitated
5 person, or vulnerable adult witnessed the act or omission.

6 B. The following statements are admissible in criminal and
7 juvenile delinquent trials if the child ~~or~~, incapacitated person, or
8 vulnerable adult testifies at the trial whether in person, via
9 videoconferencing equipment, or other alternative means; if the
10 child ~~or~~, incapacitated person, or vulnerable adult does not testify
11 at the trial and is unavailable as defined by subsection A of
12 Section 2804 of this title and the requirements for admissibility
13 pursuant to subsection B of Section 2804 of this title are
14 satisfied; or if the child ~~or~~, incapacitated person, or vulnerable
15 adult does not testify at the trial and the court determines that
16 the statement is nontestimonial:

17 1. A statement made by a child who has not attained sixteen
18 (16) years of age at the time the statement is made, a child sixteen
19 (16) years of age or older who has a disability, or a person who is
20 an incapacitated person or vulnerable adult as defined by Section
21 10-103 of Title 43A of the Oklahoma Statutes, which describes any
22 act of physical abuse, domestic abuse, neglect, enabling physical
23 abuse or neglect against the child ~~or~~, incapacitated person, or
24 vulnerable adult or any act of sexual contact, any conduct

1 proscribed by Sections 741, 745, 748, 843.1, 843.2, 843.3, 843.4,
2 843.5, or 1111, 1111.1, 1112, 1113, 1114, 1115, 1116, 1117, 1118,
3 1119, 1123, or 1125 of Title 21 of the Oklahoma Statutes, performed
4 with or on the child ~~or~~, incapacitated person, or vulnerable adult
5 by another, or any act or omission resulting in great bodily injury
6 to the child ~~or~~, incapacitated person, or vulnerable adult; and

7 2. A statement made by a child who has not attained sixteen
8 (16) years of age at the time the statement is made, a child sixteen
9 (16) years of age or older who has a disability, or a person who is
10 an incapacitated person or vulnerable adult as defined by Section
11 10-103 of Title 43A of the Oklahoma Statutes, which describes any
12 act of physical abuse, neglect, or enabling physical abuse or
13 neglect against another child ~~or~~, incapacitated person, or
14 vulnerable adult, any act of sexual conduct with another child ~~or~~,
15 incapacitated person, or vulnerable adult, any conduct proscribed by
16 Sections 741, 745, 748, 843.1, 843.2, 843.3, 843.4, 843.5, or 1111,
17 1111.1, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1123, or
18 1125 of Title 21 of the Oklahoma Statutes, any act of domestic
19 abuse, or any act or omission resulting in death or great bodily
20 injury to a human being, provided that the child ~~or~~, incapacitated
21 person, or vulnerable adult witnessed the act or omission.

22 C. The provisions of the Oklahoma Criminal Discovery Code,
23 Section 2002 of Title 22 of the Oklahoma Statutes, shall govern the
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1 disclosure and notice requirements of statements offered pursuant to
2 this section.

3 D. As used in this section, "disability" means a physical or
4 mental impairment which substantially limits one or more of the
5 major life activities of the child or the child is regarded as
6 having such an impairment by a competent medical professional.

7 SECTION 2. This act shall become effective November 1, 2025.

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9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY, dated
10 04/17/2025 - DO PASS.

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