

1 ENGROSSED HOUSE  
2 BILL NO. 2292

By: Rousselot, Peterson and  
Nollan of the House

3 and

4 David of the Senate  
5  
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8 An Act relating to criminal procedure; amending 22  
9 O.S. 2011, Section 152, as amended by Section 2,  
10 Chapter 290, O.S.L. 2015 (22 O.S. Supp. 2015, Section  
11 152), which relates to statutes of limitation;  
12 updating statutory citation; listing additional  
13 crimes; increasing statute of limitations for victims  
14 of specified crimes; and providing an effective date.

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

16 SECTION 1. AMENDATORY 22 O.S. 2011, Section 152, as  
17 amended by Section 2, Chapter 290, O.S.L. 2015 (22 O.S. Supp. 2015,  
18 Section 152), is amended to read as follows:

19 Section 152. A. Prosecutions for the crimes of bribery,  
20 embezzlement of public money, bonds, securities, assets or property  
21 of the state or any county, school district, municipality or other  
22 subdivision thereof, or of any misappropriation of public money,  
23 bonds, securities, assets or property of the state or any county,  
24 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,  
11 pursuant to Sections 1451 through ~~1462~~ 1461 of Title 21 of the  
12 Oklahoma Statutes, the crime of False Personation or Identity Theft,  
13 pursuant to Sections 1531 through 1533.3 of Title 21 of the Oklahoma  
14 Statutes, or the financial exploitation of a vulnerable adult,  
15 pursuant to Sections 843.1, 843.3 and 843.4 of Title 21 of the  
16 Oklahoma Statutes, shall be commenced within five (5) years after  
17 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 the crime of rape or forcible sodomy,  
22 sodomy, lewd or indecent proposals or acts against children,  
23 involving minors in pornography pursuant to Section 886, 888,  
24 1021.2, 1021.3, 1040.12a, 1111, 1111.1, 1113, 1114, ~~1021.2, 1021.3,~~

1 ~~1040.12a~~ or 1123 of Title 21 of the Oklahoma Statutes, child abuse,  
2 child sexual abuse or child sexual exploitation pursuant to Section  
3 843.5 of Title 21 of the Oklahoma Statutes, and child trafficking  
4 pursuant to Section 866 of Title 21 of the Oklahoma Statutes shall  
5 be commenced within ~~twelve (12)~~ eighteen (18) years after the  
6 discovery of the crime.

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

- 10 a. the victim notified law enforcement within ~~twelve (12)~~  
11 eighteen (18) years after the discovery of the crime,  
12 b. physical evidence is collected and preserved that is  
13 capable of being tested to obtain a profile from  
14 deoxyribonucleic acid (DNA), and  
15 c. the identity of the offender is subsequently  
16 established through the use of a DNA profile using  
17 evidence listed in subparagraph b of this paragraph.

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

21 3. As used in paragraph 1 of this subsection, "discovery" means  
22 the date that a physical or sexually related crime involving a  
23 victim under the age of eighteen (18) years is reported to a law  
24 enforcement agency.

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

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

9 F. Prosecution for the crime of false or bogus check, Section  
10 1541.1, 1541.2, 1541.3 or 1541.4 of Title 21 of the Oklahoma  
11 Statutes, shall be commenced within five (5) years after the  
12 commission of such offense.

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

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

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

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1 J. Prosecution for the crime of arson pursuant to Section 1401,  
2 1402, 1403, 1404 or 1405 of Title 21 of the Oklahoma Statutes shall  
3 be commenced within seven (7) years after the commission of the  
4 crime.

5 K. Prosecutions for criminal violations in which a deadly  
6 weapon is used to commit a felony or prosecutions for criminal  
7 violations in which a deadly weapon is used in an attempt to commit  
8 a felony shall be commenced within seven (7) years after the  
9 commission of the crime.

10 ~~L. As used in paragraph 1 of subsection C of this section,~~  
11 ~~"discovery" means the date that a physical or sexually related crime~~  
12 ~~involving a victim under the age of eighteen (18) years of age is~~  
13 ~~reported to a law enforcement agency, up to and including one (1)~~  
14 ~~year from the eighteenth birthday of the child.~~

15 SECTION 2. This act shall become effective November 1, 2016.

16 Passed the House of Representatives the 29th day of February,  
17 2016.

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19 \_\_\_\_\_  
20 Presiding Officer of the House  
of Representatives

21 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2016.

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23 \_\_\_\_\_  
24 Presiding Officer of the Senate