

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 716

By: Hicks

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5  
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22  
8 O.S. 2021, Section 152, as amended by Section 1,  
9 Chapter 174, O.S.L. 2022 (22 O.S. Supp. 2022, Section  
10 152), which relates to statute of limitations;  
11 increasing time for which certain prosecutions may be  
12 commenced; and providing an effective date.

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

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

17 Section 152. A. Prosecutions for the crimes of bribery,  
18 embezzlement of public money, bonds, securities, assets or property  
19 of the state or any county, school district, municipality or other  
20 subdivision thereof, or of any misappropriation of public money,  
21 bonds, securities, assets or property of the state or any county,  
22 school district, municipality or other subdivision thereof,  
23 falsification of public records of the state or any county, school  
24 district, municipality or other subdivision thereof, and conspiracy  
25 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~~ may be commenced ~~by the forty-fifth~~  
4 ~~birthday of the alleged victim~~ at any time. Prosecutions for such  
5 crimes committed against victims eighteen (18) years of age or older  
6 ~~shall~~ may be commenced ~~within twelve (12) years after the discovery~~  
7 ~~of the crime. As used in this paragraph, "discovery" means the date~~  
8 ~~that a physical or sexually related crime involving a victim~~  
9 ~~eighteen (18) years of age or older is reported to a law enforcement~~  
10 ~~agency~~ at any time.

11 2. ~~However, prosecutions~~ Prosecutions for the crimes listed in  
12 paragraph 1 of this subsection may be commenced at any time after  
13 the commission 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)~~ twelve (12) years from the date on which the identity of  
22 the suspect 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. Prosecutions for the crime of human trafficking pursuant to  
18 Section 748 of Title 21 of the Oklahoma Statutes shall be commenced  
19 within three (3) years after discovery of the crime. For purposes  
20 of this subsection, "discovery" means the date upon which the crime  
21 is reported to a law enforcement agency.

22 SECTION 2. This act shall become effective November 1, 2023.

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