

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 860

BY: WILKERSON

AS INTRODUCED

AN ACT RELATING TO EVIDENCE; PROHIBITING CERTAIN
EVIDENCE IN RAPE CASES; PROVIDING EXCEPTION;
REQUIRING MOTION TO PRESENT CERTAIN EVIDENCE;
AUTHORIZING IN CAMERA HEARING ON CERTAIN EVIDENCE;
PROVIDING FOR CODIFICATION; AND DECLARING AN
EMERGENCY.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1116.1 of Title 21, unless there
is created a duplication in numbering, reads as follows:

A. Evidence of specific instances of the victim's sexual
conduct, opinion evidence of the victim's sexual conduct, and
reputation evidence of the victim's sexual conduct shall not be
admitted under Sections 1111 to 1116 of Title 21 of the Oklahoma
Statutes unless and only to the extent that the judge finds that the
following proposed evidence is material to a fact at issue in the
case and that its inflammatory or prejudicial nature does not
outweigh its probative value:

1. Evidence of the victim's past sexual conduct with the defendant; or

2. Evidence of specific instances of sexual activity showing the source or origin of semen, pregnancy, or disease.

B. If the defendant proposes to offer evidence described in subsection A of this section, the defendant within ten (10) days after the arraignment on the information shall file a written motion and offer of proof. The court may order an in camera hearing to determine whether the proposed evidence is admissible under subsection A of this section. If new information is discovered during the course of the trial that may make the evidence described in subsection A of this section admissible, the judge may order an in camera hearing to determine whether the proposed evidence is admissible under subsection A of this section.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-2-1250

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