

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1428

By: Nichols

AS INTRODUCED

An Act relating to criminal statutes of limitation; amending 22 O.S. 2001, Sections 151, 152 and 153, which relate to limitations on prosecution; placing no limitations on prosecution for certain offenses where biological evidence is collected; increasing statutes of limitation for certain offenses; making language gender neutral; modifying language; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 151, is amended to read as follows:

Section 151. A. There is no limitation of the time within which a prosecution for murder must be commenced. It may be commenced at any time after the death of the person killed.

B. Except as otherwise is provided in Section 152 of this title, there is no limitation of time within which a prosecution for rape, forcible sodomy, lewd molestation of a child or sexual abuse of a child must be commenced when any deoxyribonucleic acid (DNA) evidence from blood, hair, bodily fluids or skin was collected from the victim or crime scene and is properly maintained as an identifier of a perpetrator of such offense.

SECTION 2. AMENDATORY 22 O.S. 2001, 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 district, municipality or other subdivision thereof, and conspiracy to defraud the State of Oklahoma or any county, school district, municipality or other subdivision thereof in any manner or for any purpose shall be commenced within seven (7) years after the discovery of the crime; provided, however, prosecutions for the crimes of embezzlement or misappropriation of public money, bonds, securities, assets or property of any school district, including those relating to student activity funds, or the crime of falsification of public records of any independent school district, the crime of criminal conspiracy, or the crime of embezzlement, pursuant to Sections 1451 through 1462 of Title 21 of the Oklahoma Statutes shall be commenced within five (5) years after the discovery of the crime.

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

C. Prosecutions for the crime of ~~rape or forcible sodomy, sodomy, lewd or indecent proposals or acts against children, involving minors in pornography pursuant to Sections 886, 888, 1111, 1111.1, 1113, 1114, 1021.2, 1021.3 or 1123 of Title 21 of the Oklahoma Statutes, and child abuse pursuant to Section 7115 of Title 10 of the Oklahoma Statutes,~~ shall be commenced within seven (7) years after the discovery of the crime.

D. Prosecutions for the crime of rape, forcible sodomy, lewd molestation of a child, and sexual abuse of a child where deoxyribonucleic acid (DNA) evidence from blood, hair, bodily fluids or skin is collected from the victim or crime scene and matched to an alleged perpetrator shall commence within seven (7) years after a statistically significant DNA match to an alleged perpetrator is made, or as otherwise may be provided in Section 151 of this title,

when an alleged DNA match is overturned by a court. Prosecutions for the crime of rape, forcible sodomy, lewd molestation of a child and sexual abuse of a child where no deoxyribonucleic acid (DNA) evidence from blood, hair, bodily fluids or skin was collected from the victim or crime scene shall commence within seven (7) years after the discovery of the crime.

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

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

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

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

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

SECTION 3. AMENDATORY 22 O.S. 2001, Section 153, is amended to read as follows:

Section 153. If when the offense is committed the defendant be out of ~~the~~ this state, the prosecution may be commenced within the term herein limited after ~~his coming~~ the defendant comes within ~~the~~ this state, and no time during which the defendant is not an

inhabitant of or usually resident within ~~the~~ this state, is part of the limitation.

SECTION 4. 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.

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