

1 THE STATE SENATE  
2 Monday, April 4, 2005

3 ENGROSSED

4 House Bill No. 1013

5 ENGROSSED HOUSE BILL NO. 1013 - By: GLENN, KIESEL, HILLIARD,  
6 SHERRER, BROWN, HAMILTON and NANCE of the House and LEFTWICH of the  
7 Senate.

8 An Act relating to criminal procedure; amending 22 O.S.  
9 2001, Section 152, as amended by Section 3, Chapter 475,  
10 O.S.L. 2002 (22 O.S. Supp. 2004, Section 152), which relates  
11 to limitations for prosecution of crimes; modifying statute  
12 of limitations for certain crimes; deleting retroactive  
13 application of certain statute of limitations; and providing  
14 an effective date.

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

16 SECTION 1. AMENDATORY 22 O.S. 2001, Section 152, as  
17 amended by Section 3, Chapter 475, O.S.L. 2002 (22 O.S. Supp. 2004,  
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,  
25 falsification of public records of the state or any county, school  
26 district, municipality or other subdivision thereof, and conspiracy  
27 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, or the crime of embezzlement,  
9 pursuant to Sections 1451 through 1462 of Title 21 of the Oklahoma  
10 Statutes shall be commenced within five (5) years after the  
11 discovery of the crime.

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

15 C. 1. Prosecutions for the crime of rape or forcible sodomy,  
16 sodomy, lewd or indecent proposals or acts against children,  
17 involving minors in pornography pursuant to Section 886, 888, 1111,  
18 1111.1, 1113, 1114, 1021.2, 1021.3 or 1123 of Title 21 of the  
19 Oklahoma Statutes, and child abuse pursuant to Section 7115 of Title  
20 10 of the Oklahoma Statutes, shall be commenced within ~~seven (7)~~  
21 twelve (12) years after the discovery of the crime.

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

4           a. the victim notified law enforcement within ~~seven (7)~~  
5           twelve (12) years after the discovery of the crime,

6           b. physical evidence is collected and preserved that is  
7           capable of being tested to obtain a profile from  
8           deoxyribonucleic acid (DNA), and

9           c. the identity of the offender is subsequently  
10           established through the use of a DNA profile using  
11           evidence listed in subparagraph b of this paragraph.

12 A prosecution under this exception must be commenced within three  
13 (3) years from the date on which the identity of the suspect is  
14 established by DNA testing. ~~This paragraph shall have retroactive  
15 application to crimes committed prior to the effective date of this  
16 act.~~

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

20           E. Prosecutions for the crime of criminal fraud or workers'  
21 compensation fraud pursuant to Section 1541.1, 1541.2, 1662 or 1663  
22 of Title 21 of the Oklahoma Statutes shall commence within three (3)

1 years after the discovery of the crime, but in no event greater than  
2 seven (7) years after the commission of the crime.

3 F. Prosecution for the crime of false or bogus check, Section  
4 1541.1, 1541.2, 1541.3 or 1541.4 of Title 21 of the Oklahoma  
5 Statutes, shall be commenced within five (5) years after the  
6 commission of such offense.

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

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

14 SECTION 2. This act shall become effective November 1, 2005.

15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-29-05 - DO  
16 PASS.