

CS for EHB 2480

1 THE STATE SENATE
2 Monday, April 10, 2006

3 Committee Substitute for
4 ENGROSSED
5 House Bill No. 2480

6 COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 2480 - By:
7 ROUSSELOT and NANCE of the House and EASLEY of the Senate.

8 An Act relating to crimes and punishments; amending 22 O.S.
9 2001, Section 152, as last amended by Section 1, Chapter
10 101, O.S.L. 2005 (22 O.S. Supp. 2005, Section 152), which
11 relates to limitations in general; providing statute of
12 limitations for certain offense; defining term; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 22 O.S. 2001, Section 152, as last
16 amended by Section 1, Chapter 101, O.S.L. 2005 (22 O.S. Supp. 2005,
17 Section 152), is amended to read as follows:

18 Section 152. A. Prosecutions for the crimes of bribery,
19 embezzlement of public money, bonds, securities, assets or property
20 of the state or any county, school district, municipality or other
21 subdivision thereof, or of any misappropriation of public money,
22 bonds, securities, assets or property of the state or any county,
23 school district, municipality or other subdivision thereof,
24 falsification of public records of the state or any county, school
25 district, municipality or other subdivision thereof, and conspiracy
26 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 twelve (12)
21 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 twelve (12)
5 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.

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

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

1 F. Prosecution for the crime of false or bogus check, Section
2 1541.1, 1541.2, 1541.3 or 1541.4 of Title 21 of the Oklahoma
3 Statutes, shall be commenced within five (5) years after the
4 commission of such offense.

5 G. Prosecution for the crime of solicitation for murder in the
6 first degree pursuant to Section 701.16 of this title shall be
7 commenced within seven (7) years after the discovery of the crime.
8 For purposes of this subsection, "discovery" means the date upon
9 which the crime is made known to anyone other than a person involved
10 in the solicitation.

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

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

18 SECTION 2. This act shall become effective November 1, 2006.

19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-4-06 - DO PASS,
20 As Amended.