

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1963

By: Corn

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 431, which relates to escaped prisoner; prohibiting application of statute of limitations on crimes until escape prisoner is returned to physical custody of jail or prison; prohibiting dismissal of indictment, information or arrest warrant until escaped prisoner is returned to physical custody of jail or prison; amending 22 O.S. 2001, Section 152, as last amended by Section 1, Chapter 101, O.S.L. 2005 (22 O.S. Supp. 2005, Section 152), which relates to statute of limitations of crimes; tolling statute of limitations for escaped prisoners until certain time; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 431, is amended to read as follows:

Section 431. A. Every prisoner confined upon conviction for a criminal offense, who escapes from prison, may be pursued, retaken and imprisoned again, notwithstanding the term for which ~~he~~ the person was sentenced to be imprisoned may have expired at the time when ~~he~~ the person is retaken, and ~~he~~ such person shall remain so imprisoned until tried for such escape, or discharged, on a failure to prosecute therefor.

B. The provisions of Section 152 of Title 22 of the Oklahoma Statutes, shall not apply until the escaped prisoner is returned to the physical custody of the city, county, state or federal jail or prison where such person was imprisoned at the time of the escape, and further, no indictment, information or arrest warrant shall be dismissed for any reason regarding the failure to prosecute until

the prisoner is returned to the physical custody of such jail or prison.

SECTION 2. AMENDATORY 22 O.S. 2001, Section 152, as last amended by Section 1, Chapter 101, O.S.L. 2005 (22 O.S. Supp. 2005, 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. 1. Prosecutions for the crime of rape or forcible sodomy, sodomy, lewd or indecent proposals or acts against children, involving minors in pornography pursuant to Section 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 twelve (12) years after the discovery of the crime.

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

- a. the victim notified law enforcement within twelve (12) years after the discovery of the crime,
- b. physical evidence is collected and preserved that is capable of being tested to obtain a profile from deoxyribonucleic acid (DNA), and
- c. the identity of the offender is subsequently established through the use of a DNA profile using evidence listed in subparagraph b of this paragraph.

A prosecution under this exception must be commenced within three (3) years from the date on which the identity of the suspect is established by DNA testing.

D. 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. Prosecutions for the crime of criminal fraud or workers' compensation fraud pursuant to Section 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. 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. In all other cases a prosecution for a public offense must be commenced within three (3) years after its commission.

H. As used in paragraph 1 of 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.

I. The provisions of this section shall not apply to persons escaped from any jail or prison until such person is returned to the physical custody of the city, county, state or federal jail or prison where such person was imprisoned at the time of escape.

SECTION 3. This act shall become effective July 1, 2006.

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.

50-2-3148

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