

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3294

By: Collins

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5  
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22  
8 O.S. 2001, Section 152, as last amended by Section 4,  
9 Chapter 358, O.S.L. 2007 (22 O.S. Supp. 2007, Section  
10 152), which relates to limitations to prosecutions;  
11 increasing statute of limitations for certain  
12 prosecutions; and providing an effective date.

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

14 SECTION 1. AMENDATORY 22 O.S. 2001, Section 152, as last  
15 amended by Section 4, Chapter 358, O.S.L. 2007 (22 O.S. Supp. 2007,  
16 Section 152), is amended to read as follows:

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

1 to defraud the State of Oklahoma or any county, school district,  
2 municipality or other subdivision thereof in any manner or for any  
3 purpose shall be commenced within seven (7) years after the  
4 discovery of the crime; provided, however, prosecutions for the  
5 crimes of embezzlement or misappropriation of public money, bonds,  
6 securities, assets or property of any school district, including  
7 those relating to student activity funds, or the crime of  
8 falsification of public records of any independent school district,  
9 the crime of criminal conspiracy, the crime of embezzlement,  
10 pursuant to Sections 1451 through 1462 of Title 21 of the Oklahoma  
11 Statutes, or the financial exploitation of a vulnerable adult,  
12 pursuant to Sections 843.1, 843.3 and 843.4 of Title 21 of the  
13 Oklahoma Statutes, shall be commenced within five (5) years after  
14 the discovery of the crime.

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

18 C. 1. Prosecutions for the crime of rape or forcible sodomy,  
19 sodomy, lewd or indecent proposals or acts against children,  
20 involving minors in pornography pursuant to Section 886, 888, 1111,  
21 1111.1, 1113, 1114, 1021.2, 1021.3 or 1123 of Title 21 of the  
22 Oklahoma Statutes, and child abuse pursuant to Section 7115 of Title  
23 10 of the Oklahoma Statutes, shall be commenced within ~~twelve (12)~~  
24 twenty (20) 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                 twenty (20) 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.

23           F. Prosecution for the crime of false or bogus check, Section  
24 1541.1, 1541.2, 1541.3 or 1541.4 of Title 21 of the Oklahoma

1 Statutes, shall be commenced within five (5) years after the  
2 commission of such offense.

3 G. Prosecution for the crime of solicitation for murder in the  
4 first degree pursuant to Section 701.16 of Title 21 of the Oklahoma  
5 Statutes shall be commenced within seven (7) years after the  
6 discovery of the crime. For purposes of this subsection,  
7 "discovery" means the date upon which the crime is made known to  
8 anyone other than a person involved in the solicitation.

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

11 I. Prosecution for the crime of accessory after the fact must  
12 be commenced within the same statute of limitations as that of the  
13 felony for which the person acted as an accessory.

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

19 SECTION 2. This act shall become effective November 1, 2008.

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21 51-2-8484 GRS 12/27/07

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