

THE HOUSE OF REPRESENTATIVES
Wednesday, February 24, 2010

House Bill No. 2865

HOUSE BILL NO. 2865 - By: BUCK of the House.

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 152, as last amended by Section 130, Chapter 234, O.S.L. 2009 (22 O.S. Supp. 2009, Section 152), which relates to statute of limitations for criminal prosecutions; specifying statute of limitations for certain crime; and providing an effective date.

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

1 SECTION 1. AMENDATORY 22 O.S. 2001, Section 152, as last amended by
2 Section 130, Chapter 234, O.S.L. 2009 (22 O.S. Supp. 2009, Section 152), is amended to
3 read as follows:
4 Section 152. A. Prosecutions for the crimes of bribery, embezzlement of public
5 money, bonds, securities, assets or property of the state or any county, school district,
6 municipality or other subdivision thereof, or of any misappropriation of public money,
7 bonds, securities, assets or property of the state or any county, school district,
8 municipality or other subdivision thereof, falsification of public records of the state or
9 any county, school district, municipality or other subdivision thereof, and conspiracy to
10 defraud the State of Oklahoma or any county, school district, municipality or other
11 subdivision thereof in any manner or for any purpose shall be commenced within seven
12 (7) years after the discovery of the crime; provided, however, prosecutions for the crimes

1 of embezzlement or misappropriation of public money, bonds, securities, assets or
2 property of any school district, including those relating to student activity funds, or the
3 crime of falsification of public records of any independent school district, the crime of
4 criminal conspiracy, the crime of embezzlement, pursuant to Sections 1451 through 1462
5 of Title 21 of the Oklahoma Statutes, or the financial exploitation of a vulnerable adult,
6 pursuant to Sections 843.1, 843.3 and 843.4 of Title 21 of the Oklahoma Statutes, shall
7 be commenced within five (5) years after the discovery of the crime.

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

10 C. 1. Prosecutions for the crime of rape or forcible sodomy, sodomy, lewd or
11 indecent proposals or acts against children, involving minors in pornography pursuant to
12 Section 886, 888, 1111, 1111.1, 1113, 1114, 1021.2, 1021.3 or 1123 of Title 21 of the
13 Oklahoma Statutes, child abuse pursuant to Section 843.5 of Title 21 of the Oklahoma
14 Statutes, and child trafficking pursuant to Section 866 of Title 21 of the Oklahoma
15 Statutes shall be commenced within twelve (12) years after the discovery of the crime.

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

- 18 a. the victim notified law enforcement within twelve (12) years after the
19 discovery of the crime,
20 b. physical evidence is collected and preserved that is capable of being
21 tested to obtain a profile from deoxyribonucleic acid (DNA), and

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

4 J. Prosecution for the crime of arson pursuant to Section 1401, 1402, 1403, 1404 or
5 1405 of Title 21 of the Oklahoma Statutes shall be commenced within seven (7) years
6 after the commission of the crime.

7 K. Prosecutions for criminal violations in which a deadly weapon is used to commit
8 a felony or prosecutions for criminal violations in which a deadly weapon is used in an
9 attempt to commit a felony shall be commenced within seven (7) years after the
10 commission of the crime.

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

15 SECTION 2. This act shall become effective November 1, 2010.

16 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-23-10 - DO PASS.