

EHB 1008

1 THE STATE SENATE  
2 Thursday, March 26, 2009

3 ENGROSSED

4 House Bill No. 1008

5 ENGROSSED HOUSE BILL NO. 1008 - By: Carey and Rousselot of the House  
6 and Gumm of the Senate.

7 An Act relating to criminal procedure; amending 22 O.S.  
8 2001, Section 152, as last amended by Section 1, Chapter  
9 434, O.S.L. 2008 (22 O.S. Supp. 2008, Section 152), which  
10 relates to statute of limitations; specifying statute of  
11 limitations for certain crimes; and providing an effective  
12 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 1, Chapter 434, O.S.L. 2008 (22 O.S. Supp. 2008,  
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  
25 to defraud the State of Oklahoma or any county, school district,  
26 municipality or other subdivision thereof in any manner or for any

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

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

16 C. 1. Prosecutions for the crime of rape or forcible sodomy,  
17 sodomy, lewd or indecent proposals or acts against children,  
18 involving minors in pornography pursuant to Section 886, 888, 1111,  
19 1111.1, 1113, 1114, 1021.2, 1021.3 or 1123 of Title 21 of the  
20 Oklahoma Statutes, child abuse pursuant to Section 7115 of Title 10  
21 of the Oklahoma Statutes, and child trafficking pursuant to Section  
22 866 of Title 21 of the Oklahoma Statutes shall be commenced within  
23 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 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 Title 21 of the Oklahoma  
7 Statutes shall be commenced within seven (7) years after the  
8 discovery of the crime. For purposes of this subsection,  
9 "discovery" means the date upon which the crime is made known to  
10 anyone other than a person involved 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 I. Prosecution for the crime of accessory after the fact must  
14 be commenced within the same statute of limitations as that of the  
15 felony for which the person acted as an accessory.

16 J. Prosecution for the crime of arson pursuant to Section 1401,  
17 1402, 1403, 1404 or 1405 of Title 21 of the Oklahoma Statutes shall  
18 be commenced within seven (7) years after the commission of the  
19 crime.

20 K. As used in paragraph 1 of subsection C of this section,  
21 "discovery" means the date that a physical or sexually related crime  
22 involving a victim under the age of eighteen (18) years of age is

1 reported to a law enforcement agency, up to and including one (1)  
2 year from the eighteenth birthday of the child.

3 SECTION 2. This act shall become effective November 1, 2009.

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-24-09 - DO  
5 PASS, As Coauthored.