

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1724

By: Sykes

4
5
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22
8 O.S. 2011, Section 152, which relates to statute of
9 limitations; modifying statute of limitations for
10 certain offense; and providing an effective date.

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

12 SECTION 1. AMENDATORY 22 O.S. 2011, Section 152, is
13 amended to read as follows:

14 Section 152. A. Prosecutions for the crimes of bribery,
15 embezzlement of public money, bonds, securities, assets or property
16 of the state or any county, school district, municipality or other
17 subdivision thereof, or of any misappropriation of public money,
18 bonds, securities, assets or property of the state or any county,
19 school district, municipality or other subdivision thereof,
20 falsification of public records of the state or any county, school
21 district, municipality or other subdivision thereof, and conspiracy
22 to defraud the State of Oklahoma or any county, school district,
23 municipality or other subdivision thereof in any manner or for any
24 purpose shall be commenced within seven (7) years after the

1 discovery of the crime; provided, however, prosecutions for the
2 crimes of embezzlement or misappropriation of public money, bonds,
3 securities, assets or property of any school district, including
4 those relating to student activity funds, or the crime of
5 falsification of public records of any independent school district,
6 the crime of criminal conspiracy, the crime of embezzlement,
7 pursuant to Sections 1451 through ~~1462~~ 1461 of Title 21 of the
8 Oklahoma Statutes, the crime of False Personation or Identity Theft,
9 pursuant to Sections 1531 through 1533.3 of Title 21 of the Oklahoma
10 Statutes, or the financial exploitation of a vulnerable adult,
11 pursuant to Sections 843.1, 843.3 and 843.4 of Title 21 of the
12 Oklahoma Statutes, shall be commenced within five (5) years after
13 the discovery of the crime.

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

17 C. 1. Prosecutions for the crime of rape or forcible sodomy,
18 sodomy, lewd or indecent proposals or acts against children,
19 involving minors in pornography pursuant to Section 886, 888, 1111,
20 1111.1, 1113, 1114, 1021.2, 1021.3 or 1123 of Title 21 of the
21 Oklahoma Statutes, child abuse pursuant to Section 843.5 of Title 21
22 of the Oklahoma Statutes, and child trafficking pursuant to Section
23 866 of Title 21 of the Oklahoma Statutes shall be commenced within
24 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
13 three (3) years from the date on which the identity of the suspect
14 is 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~~ Prosecutions for the crime of accessory ~~after~~
12 ~~the fact must be commenced within~~ to a felony pursuant to Section
13 173 of Title 21 of the Oklahoma Statutes shall be subject to the
14 same statute of limitations as that of the felony for which if the
15 person acted as an accessory had committed the substantive offense.

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

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

6 SECTION 2. This act shall become effective November 1, 2012.

7

8 53-2-1846 TEK 1/19/2012 4:30:57 PM

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24