

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL NO. 1091

By: Standridge of the Senate

and

6 Kannady of the House

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to Medicaid fraud; amending 22 O.S.
11 2011, Section 152, as amended by Section 2, Chapter
12 290, O.S.L. 2015 (22 O.S. Supp. 2015, Section 152),
13 which relates to statute of limitations; updating
14 statutory reference; establishing statute of
15 limitations for certain offense; and providing an
16 effective date.

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

18 SECTION 1. AMENDATORY 22 O.S. 2011, Section 152, as
19 amended by Section 2, Chapter 290, O.S.L. 2015 (22 O.S. Supp. 2015,
20 Section 152), is amended to read as follows:

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

1 school district, municipality or other subdivision thereof,
2 falsification of public records of the state or any county, school
3 district, municipality or other subdivision thereof, and conspiracy
4 to defraud the State of Oklahoma or any county, school district,
5 municipality or other subdivision thereof in any manner or for any
6 purpose shall be commenced within seven (7) years after the
7 discovery of the crime; provided, however, prosecutions for the
8 crimes of embezzlement or misappropriation of public money, bonds,
9 securities, assets or property of any school district, including
10 those relating to student activity funds, or the crime of
11 falsification of public records of any independent school district,
12 the crime of criminal conspiracy, the crime of embezzlement,
13 pursuant to Sections 1451 through ~~1462~~ 1461 of Title 21 of the
14 Oklahoma Statutes, the crime of False Personation or Identity Theft,
15 pursuant to Sections 1531 through 1533.3 of Title 21 of the Oklahoma
16 Statutes, ~~or~~ the financial exploitation of a vulnerable adult,
17 pursuant to Sections 843.1, 843.3 and 843.4 of Title 21 of the
18 Oklahoma Statutes, or Medicaid fraud pursuant to Section 1005 of
19 Title 56 of the Oklahoma Statutes, shall be commenced within five
20 (5) years after the discovery of the crime.

21 B. Prosecutions for criminal violations of any state income tax
22 laws shall be commenced within five (5) years after the commission
23 of such violation.
24

1 C. 1. Prosecutions for the crime of rape or forcible sodomy,
2 sodomy, lewd or indecent proposals or acts against children,
3 involving minors in pornography pursuant to Section 886, 888, 1111,
4 1111.1, 1113, 1114, 1021.2, 1021.3, 1040.12a or 1123 of Title 21 of
5 the Oklahoma Statutes, child abuse pursuant to Section 843.5 of
6 Title 21 of the Oklahoma Statutes, and child trafficking pursuant to
7 Section 866 of Title 21 of the Oklahoma Statutes shall be commenced
8 within twelve (12) years after the discovery of the crime.

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

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

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

1 D. Prosecutions for criminal violations of any provision of the
2 Oklahoma Wildlife Conservation Code shall be commenced within three
3 (3) years after the commission of such offense.

4 E. Prosecutions for the crime of criminal fraud or workers'
5 compensation fraud pursuant to Section 1541.1, 1541.2, 1662 or 1663
6 of Title 21 of the Oklahoma Statutes shall commence within three (3)
7 years after the discovery of the crime, but in no event greater than
8 seven (7) years after the commission of the crime.

9 F. Prosecution for the crime of false or bogus check, Section
10 1541.1, 1541.2, 1541.3 or 1541.4 of Title 21 of the Oklahoma
11 Statutes, shall be commenced within five (5) years after the
12 commission of such offense.

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

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

21 I. Prosecution for the crime of accessory after the fact must
22 be commenced within the same statute of limitations as that of the
23 felony for which the person acted as an accessory.
24

1 J. Prosecution for the crime of arson pursuant to Section 1401,
2 1402, 1403, 1404 or 1405 of Title 21 of the Oklahoma Statutes shall
3 be commenced within seven (7) years after the commission of the
4 crime.

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

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

15 SECTION 2. This act shall become effective November 1, 2016.

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