

1 ENGROSSED HOUSE
2 BILL NO. 1047

By: Biggs of the House

and

David of the Senate

3
4
5
6
7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Section 13.1, as last amended by
9 Section 1, Chapter 231, O.S.L. 2014 (21 O.S. Supp.
10 2014, Section 13.1), which relates to required
11 service of prison sentence; updating statutory
12 references; adding certain offense; amending 22 O.S.
13 2011, Section 152, which relates to statute of
14 limitations for criminal offenses; providing statute
15 of limitation for certain offense; repealing 21 O.S.
16 2011, Section 1024.2, which relates to the possession
17 of obscene material; and providing an effective date.

18
19
20
21
22
23
24
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2011, Section 13.1, as
last amended by Section 1, Chapter 231, O.S.L. 2014 (21 O.S. Supp.
2014, Section 13.1), is amended to read as follows:

Section 13.1 Persons convicted of:

1. First degree murder as defined in Section 701.7 of this
title;

2. Second degree murder as defined by Section 701.8 of this
title;

1 3. Manslaughter in the first degree as defined by Section 711
2 of this title;

3 4. Poisoning with intent to kill as defined by Section 651 of
4 this title;

5 5. Shooting with intent to kill, use of a vehicle to facilitate
6 use of a firearm, crossbow or other weapon, assault, battery, or
7 assault and battery with a deadly weapon or by other means likely to
8 produce death or great bodily harm, as provided for in Section 652
9 of this title;

10 6. Assault with intent to kill as provided for in Section 653
11 of this title;

12 7. Conjoint robbery as defined by Section 800 of this title;

13 8. Robbery with a dangerous weapon as defined in Section 801 of
14 this title;

15 9. First degree robbery as defined in Section 797 of this
16 title;

17 10. First degree rape as provided for in Section 1111, 1114 or
18 1115 of this title;

19 11. First degree arson as defined in Section 1401 of this
20 title;

21 12. First degree burglary as provided for in Section 1436 of
22 this title;

23 13. Bombing as defined in Section 1767.1 of this title;

1 14. Any crime against a child provided for in Section 843.5 of
2 this title;

3 15. Forcible sodomy as defined in Section 888 of this title;

4 16. Child pornography or aggravated child pornography as
5 defined in Section 1021.2, 1021.3 ~~or~~, 1024.1 or 1040.12a of this
6 title;

7 17. Child prostitution as defined in Section 1030 of this
8 title;

9 18. Lewd molestation of a child as defined in Section 1123 of
10 this title;

11 19. Abuse of a vulnerable adult as defined in Section 10-103 of
12 Title 43A of the Oklahoma Statutes who is a resident of a nursing
13 facility;

14 20. Aggravated trafficking as provided for in subsection C of
15 Section 2-415 of Title 63 of the Oklahoma Statutes;

16 21. Aggravated assault and battery upon any person defending
17 another person from assault and battery; or

18 22. Human trafficking as provided for in Section 748 of this
19 title,

20 shall be required to serve not less than eighty-five percent (85%)
21 of any sentence of imprisonment imposed by the judicial system prior
22 to becoming eligible for consideration for parole. Persons
23 convicted of these offenses shall not be eligible for earned credits
24 or any other type of credits which have the effect of reducing the

1 length of the sentence to less than eighty-five percent (85%) of the
2 sentence imposed.

3 SECTION 2. AMENDATORY 22 O.S. 2011, Section 152, is
4 amended to read as follows:

5 Section 152. A. Prosecutions for the crimes of bribery,
6 embezzlement of public money, bonds, securities, assets or property
7 of the state or any county, school district, municipality or other
8 subdivision thereof, or of any misappropriation of public money,
9 bonds, securities, assets or property of the state or any county,
10 school district, municipality or other subdivision thereof,
11 falsification of public records of the state or any county, school
12 district, municipality or other subdivision thereof, and conspiracy
13 to defraud the State of Oklahoma or any county, school district,
14 municipality or other subdivision thereof in any manner or for any
15 purpose shall be commenced within seven (7) years after the
16 discovery of the crime; provided, however, prosecutions for the
17 crimes of embezzlement or misappropriation of public money, bonds,
18 securities, assets or property of any school district, including
19 those relating to student activity funds, or the crime of
20 falsification of public records of any independent school district,
21 the crime of criminal conspiracy, the crime of embezzlement,
22 pursuant to Sections 1451 through 1462 of Title 21 of the Oklahoma
23 Statutes, the crime of False Personation or Identity Theft, pursuant
24 to Sections 1531 through 1533.3 of Title 21 of the Oklahoma

1 Statutes, or the financial exploitation of a vulnerable adult,
2 pursuant to Sections 843.1, 843.3 and 843.4 of Title 21 of the
3 Oklahoma Statutes, shall be commenced within five (5) years after
4 the discovery of the crime.

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

8 C. 1. Prosecutions for the crime of rape or forcible sodomy,
9 sodomy, lewd or indecent proposals or acts against children,
10 involving minors in pornography pursuant to Section 886, 888, 1111,
11 1111.1, 1113, 1114, 1021.2, 1021.3, 1040.12a or 1123 of Title 21 of
12 the Oklahoma Statutes, child abuse pursuant to Section 843.5 of
13 Title 21 of the Oklahoma Statutes, and child trafficking pursuant to
14 Section 866 of Title 21 of the Oklahoma Statutes shall be commenced
15 within twelve (12) years after the discovery of the crime.

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

- 19 a. the victim notified law enforcement within twelve (12)
20 years after the discovery of the crime,
21 b. physical evidence is collected and preserved that is
22 capable of being tested to obtain a profile from
23 deoxyribonucleic acid (DNA), and
24

1 c. the identity of the offender is subsequently
2 established through the use of a DNA profile using
3 evidence listed in subparagraph b of this paragraph.

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

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

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

15 F. Prosecution for the crime of false or bogus check, Section
16 1541.1, 1541.2, 1541.3 or 1541.4 of Title 21 of the Oklahoma
17 Statutes, shall be commenced within five (5) years after the
18 commission of such offense.

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

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

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

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

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

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

20 SECTION 3. REPEALER 21 O.S. 2011, Section 1024.2, is
21 hereby repealed.

22 SECTION 4. This act shall become effective November 1, 2015.
23
24

1 Passed the House of Representatives the 9th day of February,
2015.

4 _____
Presiding Officer of the House
of Representatives

6 Passed the Senate the ___ day of _____, 2015.

8 _____
Presiding Officer of the Senate