

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1468

By: Bush

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5
6 AS INTRODUCED

7 An Act relating to criminal procedure; creating The
8 Hidden Predator Act; amending 22 O.S. 2011, Section
9 152, as last amended by Section 1, Chapter 19, O.S.L.
10 2016 (22 O.S. Supp. 2016, Section 152), which relates
11 to the statute of limitations for criminal offenses;
12 modifying time limitations for prosecuting certain
13 sexual offenses; deleting definition; prohibiting
14 prosecutions based on certain evidence; providing
15 penalty for false claims; directing payment of costs
16 under certain circumstances; providing for
17 noncodification; and providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law not to be
20 codified in the Oklahoma Statutes reads as follows:

21 This act shall be known and may be cited as "The Hidden Predator
22 Act".

23 SECTION 2. AMENDATORY 22 O.S. 2011, Section 152, as last
24 amended by Section 1, Chapter 19, O.S.L. 2016 (22 O.S. Supp. 2016,
Section 152), is amended to read as follows:

Section 152. A. Prosecutions for the crimes of bribery,
embezzlement of public money, bonds, securities, assets or property

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

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

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

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

16 a. ~~the victim notified law enforcement within twelve (12)~~
17 ~~years after the discovery of the crime,~~

18 ~~b.~~ physical evidence is collected and preserved that is
19 capable of being tested to obtain a profile from
20 deoxyribonucleic acid (DNA), and

21 ~~e.~~ b. the identity of the offender is subsequently
22 established through the use of a DNA profile using
23 evidence listed in subparagraph ~~b~~ a of this paragraph.

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

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

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

12 F. Prosecution for the crime of false or bogus check, Section
13 1541.1, 1541.2, 1541.3 or 1541.4 of Title 21 of the Oklahoma
14 Statutes, shall be commenced within five (5) years after the
15 commission of such offense.

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

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

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

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

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

13 L. ~~As used in paragraph 1 of subsection C of this section,~~
14 ~~"discovery" means the date that a physical or sexually related crime~~
15 ~~involving a victim under the age of eighteen (18) years of age is~~
16 ~~reported to a law enforcement agency, up to and including one (1)~~
17 ~~year from the eighteenth birthday of the child. No prosecution under~~
18 ~~subsection C of this section shall be based upon the memory of the~~
19 ~~victim that has been recovered through psychotherapy unless there is~~
20 ~~some evidence of the corpus delicti independent of such repressed~~
21 ~~memory.~~

22 Any person who knowingly and willfully makes a false claim
23 pursuant to subsection C of this section or a claim that the person
24 knows lacks factual foundation may be reported to local law

1 enforcement for criminal investigation and, upon conviction, shall
2 be guilty of a felony.

3 If the defendant is acquitted, the costs, including the fees of
4 all witnesses whom the trial judge certified to have been proper for
5 the defense and prosecution, shall be paid by the prosecuting
6 witness, whenever the trial judge is of the opinion that there were
7 no reasonable grounds for the prosecution or that the prosecution
8 was not required in the interests of the public.

9 SECTION 3. This act shall become effective November 1, 2017.

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11 56-1-6115 GRS 01/17/17

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