

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3168

By: West (Kevin)

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5  
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22  
8 O.S. 2011, Section 152, as last amended by Section 2,  
9 Chapter 134, O.S.L. 2017 (22 O.S. Supp. 2019, Section  
10 152), which relates to statute of limitations for  
11 certain crimes; eliminating certain statute of  
12 limitations period; deleting defined term; and  
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 22 O.S. 2011, Section 152, as last  
16 amended by Section 2, Chapter 134, O.S.L. 2017 (22 O.S. Supp. 2019,  
17 Section 152), is amended to read as follows:

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

1 to defraud the State of Oklahoma or any county, school district,  
2 municipality or other subdivision thereof in any manner or for any  
3 purpose shall be commenced within seven (7) years after the  
4 discovery of the crime; provided, however, prosecutions for the  
5 crimes of embezzlement or misappropriation of public money, bonds,  
6 securities, assets or property of any school district, including  
7 those relating to student activity funds, or the crime of  
8 falsification of public records of any independent school district,  
9 the crime of criminal conspiracy, the crime of embezzlement pursuant  
10 to Sections 1451 and 1458 through 1461 of Title 21 of the Oklahoma  
11 Statutes, the crime of False Personation or Identity Theft pursuant  
12 to Sections 1531 through 1533.3 of Title 21 of the Oklahoma  
13 Statutes, the financial exploitation of a vulnerable adult pursuant  
14 to Sections 843.1, 843.3 and 843.4 of Title 21 of the Oklahoma  
15 Statutes, or Medicaid fraud pursuant to Section 1005 of Title 56 of  
16 the Oklahoma Statutes, shall be commenced within five (5) years  
17 after the discovery of the crime.

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

21 C. ~~1-~~ Prosecutions for sexual crimes against children,  
22 specifically rape or forcible sodomy, sodomy, lewd or indecent  
23 proposals or acts against children, involving minors in pornography  
24 pursuant to Section 886, 888, 1111, 1111.1, 1113, 1114, 1021.2,

1 1021.3, 1040.12a or 1123 of Title 21 of the Oklahoma Statutes, child  
2 abuse pursuant to Section 843.5 of Title 21 of the Oklahoma  
3 Statutes, and child trafficking pursuant to Section 866 of Title 21  
4 of the Oklahoma Statutes ~~shall be commenced by the forty-fifth~~  
5 ~~birthday of the alleged victim~~ may be commenced at any time.

6 Prosecutions for such crimes committed against victims eighteen (18)  
7 years of age or older ~~shall~~ may be commenced ~~within twelve (12)~~  
8 ~~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. ~~physical evidence is collected and preserved that is~~  
13 ~~capable of being tested to obtain a profile from~~  
14 ~~deoxyribonucleic acid (DNA), and~~

15 b. ~~the identity of the offender is subsequently~~  
16 ~~established through the use of a DNA profile using~~  
17 ~~evidence listed in subparagraph a of this paragraph.~~

18 ~~A prosecution under this exception must be commenced within~~  
19 ~~three (3) years from the date on which the identity of the suspect~~  
20 ~~is established by DNA testing~~ at any time.

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

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

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

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

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

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

21 J. Prosecution for the crime of arson pursuant to Section 1401,  
22 1402, 1403, 1404 or 1405 of Title 21 of the Oklahoma Statutes shall  
23 be commenced within seven (7) years after the commission of the  
24 crime.

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

6 L. No prosecution under subsection C of this section shall be  
7 based upon the memory of the victim that has been recovered through  
8 psychotherapy unless there is some evidence independent of such  
9 repressed memory.

10 Any person who knowingly and willfully makes a false claim  
11 pursuant to subsection C of this section or a claim that the person  
12 knows lacks factual foundation may be reported to local law  
13 enforcement for criminal investigation and, upon conviction, shall  
14 be guilty of a felony.

15 ~~M. 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 eighteen (18) years of age or older is reported~~  
18 ~~to a law enforcement agency.~~

19 SECTION 2. This act shall become effective November 1, 2020.  
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