

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1798

By: Ikley-Freeman

AS INTRODUCED

An Act relating to sexual crimes; amending 21 O.S. 2011, Section 886, which relates to crimes against nature; removing element of certain offense; amending 22 O.S. 2011, Section 152, as last amended by Section 2, Chapter 134, O.S.L. 2017 (22 O.S. Supp. 2019, Section 152), which relates to statute of limitations; increasing statute of limitation for certain offenses; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 886, is amended to read as follows:

Section 886. Every person who is guilty of the detestable and abominable crime against nature, committed ~~with mankind or~~ with a beast, is punishable by imprisonment in the custody of the Department of Corrections not exceeding ten (10) years. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes

1 under conditions determined by the Department of Corrections. The
2 jury shall be advised that the mandatory post-imprisonment
3 supervision shall be in addition to the actual imprisonment.

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

7 Section 152. A. Prosecutions for the crimes of bribery,
8 embezzlement of public money, bonds, securities, assets or property
9 of the state or any county, school district, municipality or other
10 subdivision thereof, or of any misappropriation of public money,
11 bonds, securities, assets or property of the state or any county,
12 school district, municipality or other subdivision thereof,
13 falsification of public records of the state or any county, school
14 district, municipality or other subdivision thereof, and conspiracy
15 to defraud the State of Oklahoma or any county, school district,
16 municipality or other subdivision thereof in any manner or for any
17 purpose shall be commenced within seven (7) years after the
18 discovery of the crime; provided, however, prosecutions for the
19 crimes of embezzlement or misappropriation of public money, bonds,
20 securities, assets or property of any school district, including
21 those relating to student activity funds, or the crime of
22 falsification of public records of any independent school district,
23 the crime of criminal conspiracy, the crime of embezzlement pursuant
24 to Sections 1451 through 1461 of Title 21 of the Oklahoma Statutes,

1 the crime of False Personation or Identity Theft pursuant to
2 Sections 1531 through 1533.3 of Title 21 of the Oklahoma Statutes,
3 the financial exploitation of a vulnerable adult pursuant to
4 Sections 843.1, 843.3 and 843.4 of Title 21 of the Oklahoma
5 Statutes, or Medicaid fraud pursuant to Section 1005 of Title 56 of
6 the Oklahoma Statutes, shall be commenced within five (5) years
7 after the discovery of the crime.

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

11 C. 1. Prosecutions for sexual crimes against children,
12 specifically rape or forcible sodomy, sodomy, lewd or indecent
13 proposals or acts against children, involving minors in pornography
14 pursuant to Section 886, 888, 1111, 1111.1, 1113, 1114, 1021.2,
15 1021.3, 1040.12a or 1123 of Title 21 of the Oklahoma Statutes, child
16 abuse pursuant to Section 843.5 of Title 21 of the Oklahoma
17 Statutes, and child trafficking pursuant to Section 866 of Title 21
18 of the Oklahoma Statutes shall be commenced ~~by the forty-fifth~~
19 ~~birthday of the alleged victim~~ within fifty (50) years after the
20 discovery of the crime. Prosecutions for such crimes committed
21 against victims eighteen (18) years of age or older shall be
22 commenced within ~~twelve (12)~~ fifty (50) years after the discovery of
23 the crime.
24

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. physical evidence is collected and preserved that is
5 capable of being tested to obtain a profile from
6 deoxyribonucleic acid (DNA), and
- 7 b. the identity of the offender is subsequently
8 established through the use of a DNA profile using
9 evidence listed in subparagraph a of this paragraph.

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

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

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

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

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

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

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

12 J. Prosecution for the crime of arson pursuant to Section 1401,
13 1402, 1403, 1404 or 1405 of Title 21 of the Oklahoma Statutes shall
14 be commenced within seven (7) years after the commission of the
15 crime.

16 K. Prosecutions for criminal violations in which a deadly
17 weapon is used to commit a felony or prosecutions for criminal
18 violations in which a deadly weapon is used in an attempt to commit
19 a felony shall be commenced within seven (7) years after the
20 commission of the crime.

21 L. No prosecution under subsection C of this section shall be
22 based upon the memory of the victim that has been recovered through
23 psychotherapy unless there is some evidence independent of such
24 repressed memory.

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

6 M. As used in paragraph 1 of subsection C of this section,
7 "discovery" means the date that a physical or sexually related crime
8 involving a victim eighteen (18) years of age or older is reported
9 to a law enforcement agency.

10 SECTION 3. This act shall become effective November 1, 2020.

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