

# An Act

ENROLLED SENATE  
BILL NO. 731

By: Stanley of the Senate

and

Miller of the House

An Act relating to the Oklahoma Evidence Code; amending 12 O.S. 2021, Section 2803.1, as last amended by Section 1, Chapter 104, O.S.L. 2024 (12 O.S. Supp. 2024, Section 2803.1), which relates to hearsay; modifying certain hearsay exception to include statements by vulnerable adults; and providing an effective date.

SUBJECT: Oklahoma Evidence Code

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

SECTION 1. AMENDATORY 12 O.S. 2021, Section 2803.1, as last amended by Section 1, Chapter 104, O.S.L. 2024 (12 O.S. Supp. 2024, Section 2803.1), is amended to read as follows:

Section 2803.1. A. The following statements are admissible in juvenile deprived proceedings and pre-trial and post-trial criminal and juvenile delinquent proceedings including preliminary hearings, prosecutive merit hearings, and hearings on the revocation of probation or acceleration of a deferred judgment:

1. A statement made by a child who has not attained sixteen (16) years of age at the time the statement is made, a child sixteen (16) years of age or older who has a disability, or a person who is an incapacitated person or vulnerable adult as defined by Section 10-103 of Title 43A of the Oklahoma Statutes, which describes any act of physical abuse, domestic abuse, neglect, enabling physical abuse or neglect against the child ~~or~~, incapacitated person, or

vulnerable adult or any act of sexual contact, any conduct proscribed by Sections 741, 745, 748, 843.1, 843.2, 843.3, 843.4, 843.5, or 1111, 1111.1, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1123, or 1125 of Title 21 of the Oklahoma Statutes, performed with or on the child ~~or~~, incapacitated person, or vulnerable adult by another, or any act or omission resulting in great bodily injury to the child ~~or~~, incapacitated person, or vulnerable adult; and

2. A statement made by a child who has not attained sixteen (16) years of age at the time the statement is made, a child sixteen (16) years of age or older who has a disability, or a person who is an incapacitated person or vulnerable adult as defined by Section 10-103 of Title 43A of the Oklahoma Statutes, which describes any act of physical abuse, neglect, or enabling physical abuse or neglect against another child ~~or~~, incapacitated person, or vulnerable adult, any act of sexual contact with another child ~~or~~, incapacitated person, or vulnerable adult, any conduct proscribed by Sections 741, 745, 748, 843.1, 843.2, 843.3, 843.4, 843.5, or 1111, 1111.1, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1123, or 1125 of Title 21 of the Oklahoma Statutes, any act of domestic abuse, or any act or omission resulting in death or great bodily injury to a human being, provided that the child ~~or~~, incapacitated person, or vulnerable adult witnessed the act or omission.

B. The following statements are admissible in criminal and juvenile delinquent trials if the child ~~or~~, incapacitated person, or vulnerable adult testifies at the trial whether in person, via videoconferencing equipment, or other alternative means; if the child ~~or~~, incapacitated person, or vulnerable adult does not testify at the trial and is unavailable as defined by subsection A of Section 2804 of this title and the requirements for admissibility pursuant to subsection B of Section 2804 of this title are satisfied; or if the child ~~or~~, incapacitated person, or vulnerable adult does not testify at the trial and the court determines that the statement is nontestimonial:

1. A statement made by a child who has not attained sixteen (16) years of age at the time the statement is made, a child sixteen (16) years of age or older who has a disability, or a person who is an incapacitated person or vulnerable adult as defined by Section 10-103 of Title 43A of the Oklahoma Statutes, which describes any act of physical abuse, domestic abuse, neglect, enabling physical

abuse or neglect against the child ~~or~~, incapacitated person, or vulnerable adult or any act of sexual contact, any conduct proscribed by Sections 741, 745, 748, 843.1, 843.2, 843.3, 843.4, 843.5, or 1111, 1111.1, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1123, or 1125 of Title 21 of the Oklahoma Statutes, performed with or on the child ~~or~~, incapacitated person, or vulnerable adult by another, or any act or omission resulting in great bodily injury to the child ~~or~~, incapacitated person, or vulnerable adult; and

2. A statement made by a child who has not attained sixteen (16) years of age at the time the statement is made, a child sixteen (16) years of age or older who has a disability, or a person who is an incapacitated person or vulnerable adult as defined by Section 10-103 of Title 43A of the Oklahoma Statutes, which describes any act of physical abuse, neglect, or enabling physical abuse or neglect against another child ~~or~~, incapacitated person, or vulnerable adult, any act of sexual conduct with another child ~~or~~, incapacitated person, or vulnerable adult, any conduct proscribed by Sections 741, 745, 748, 843.1, 843.2, 843.3, 843.4, 843.5, or 1111, 1111.1, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1123, or 1125 of Title 21 of the Oklahoma Statutes, any act of domestic abuse, or any act or omission resulting in death or great bodily injury to a human being, provided that the child ~~or~~, incapacitated person, or vulnerable adult witnessed the act or omission.

C. The provisions of the Oklahoma Criminal Discovery Code, Section 2002 of Title 22 of the Oklahoma Statutes, shall govern the disclosure and notice requirements of statements offered pursuant to this section.

D. As used in this section, "disability" means a physical or mental impairment which substantially limits one or more of the major life activities of the child or the child is regarded as having such an impairment by a competent medical professional.

SECTION 2. This act shall become effective November 1, 2025.

Passed the Senate the 11th day of March, 2025.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 6th day of May, 2025.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_