

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 993

By: Floyd and Garvin of the
Senate

6 and

7 Boatman, Swope, Munson, and
8 Deck of the House

9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to criminal procedure; amending 22
12 O.S. 2021, Section 152, as amended by Section 1,
13 Chapter 174, O.S.L. 2022 (22 O.S. Supp. 2022, Section
14 152), which relates to statute of limitations;
15 removing time limitation for which certain
16 prosecutions may be commenced; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 22 O.S. 2021, Section 152, as
20 amended by Section 1, Chapter 174, O.S.L. 2022 (22 O.S. Supp. 2022,
21 Section 152), is amended to read as follows:

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

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

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

1 C. 1. Prosecutions for sexual crimes ~~against children,~~
2 specifically rape or forcible sodomy, sodomy, lewd or indecent
3 proposals or acts against children, involving minors in pornography
4 pursuant to Section 886, 888, 1111, 1111.1, 1113, 1114, 1021.2,
5 1021.3, 1040.12a or 1123 of Title 21 of the Oklahoma Statutes, child
6 abuse pursuant to Section 843.5 of Title 21 of the Oklahoma
7 Statutes, and child trafficking pursuant to Section 866 of Title 21
8 of the Oklahoma Statutes ~~shall~~ may be commenced ~~by the forty-fifth~~
9 ~~birthday of the alleged victim. Prosecutions for such crimes~~
10 ~~committed against victims eighteen (18) years of age or older shall~~
11 ~~be commenced within twelve (12) years after the discovery of the~~
12 ~~crime. As used in this paragraph, "discovery" means the date that a~~
13 ~~physical or sexually related crime involving a victim eighteen (18)~~
14 ~~years of age or older is reported to a law enforcement agency.~~

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

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

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

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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 at any time.~~

4 ~~3.~~ 2. No prosecution under this subsection shall be based upon
5 the memory of the victim that has been recovered through
6 psychotherapy unless there is some evidence independent of such
7 repressed memory.

8 ~~4.~~ 3. Any person who knowingly and willfully makes a false
9 claim pursuant to this subsection or a claim that the person knows
10 lacks factual foundation may be reported to local law enforcement
11 for criminal investigation and, upon conviction, shall be guilty of
12 a felony.

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. Prosecutions for the crime of human trafficking pursuant to
22 Section 748 of Title 21 of the Oklahoma Statutes shall be commenced
23 within three (3) years after discovery of the crime. For purposes
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1 of this subsection, "discovery" means the date upon which the crime
2 is reported to a law enforcement agency.

3 SECTION 2. This act shall become effective November 1, 2023.

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