

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 828

By: Jett

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2021, Section 152, as last amended by Section 1, Chapter 338, O.S.L. 2024 (22 O.S. Supp. 2024, Section 152), which relates to statute of limitations; increasing time for which certain prosecutions may be commenced; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 152, as last amended by Section 1, Chapter 338, O.S.L. 2024 (22 O.S. Supp. 2024, 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 of the state or any county, school district, municipality or other subdivision thereof, or of any misappropriation of public money, bonds, securities, assets or property of the state or any county, school district, municipality or other subdivision thereof, falsification of public records of the state or any county, school district, municipality or other subdivision thereof, and conspiracy to defraud the State of Oklahoma or any county, school district,

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

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

20 C. 1. Prosecutions for sexual crimes against children,
21 specifically rape or forcible sodomy, sodomy, lewd or indecent
22 proposals or acts against children, involving minors in pornography
23 pursuant to Section 886, 888, 1111, 1111.1, 1113, 1114, 1021.2,
24 1021.3, 1040.12a or 1123 of Title 21 of the Oklahoma Statutes, child

1 abuse pursuant to Section 843.5 of Title 21 of the Oklahoma
2 Statutes, sexual abuse of a vulnerable adult pursuant to Section
3 843.1 of Title 21 of the Oklahoma Statutes, child trafficking
4 pursuant to Section 866 of Title 21 of the Oklahoma Statutes, and
5 nonconsensual dissemination of private sexual images pursuant to
6 Section 1040.13b of Title 21 of the Oklahoma Statutes ~~shall~~ may be
7 commenced ~~by the forty-fifth birthday of the alleged victim at any~~
8 time. Prosecutions for such crimes committed against victims
9 eighteen (18) years of age or older ~~shall~~ may be commenced ~~within~~
10 ~~twenty (20) years after the discovery of the crime. As used in this~~
11 ~~paragraph, "discovery" means the date that a physical or sexually~~
12 ~~related crime involving a victim eighteen (18) years of age or older~~
13 ~~is reported to a law enforcement agency. Any offense for which the~~
14 ~~prosecution is not time-barred upon the effective date of this act~~
15 ~~shall be retroactively subject to the provisions of this subsection~~
16 at any time.

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

- 20 a. physical evidence is collected and preserved that is
21 capable of being tested to obtain a profile from
22 deoxyribonucleic acid (DNA), and
23 b. probable cause as to the identity of the offender is
24 subsequently established through the use of a DNA
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1 profile using evidence listed in subparagraph a of
2 this paragraph, or

3 c. the accused person has provided a confession or
4 admission related to the crime.

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

8 4. Any person who knowingly and willfully makes a false claim
9 pursuant to this subsection or a claim that the person knows lacks
10 factual foundation may be reported to local law enforcement for
11 criminal investigation and, upon conviction, shall be guilty of a
12 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, 2025.
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