

1 ENGROSSED SENATE  
2 BILL NO. 731

3 By: Stanley of the Senate

4 and

5 Miller of the House

6 An Act relating to the Oklahoma Evidence Code;  
7 amending 12 O.S. 2021, Section 2803.1, as last  
8 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.

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

12 SECTION 1. AMENDATORY 12 O.S. 2021, Section 2803.1, as  
13 last amended by Section 1, Chapter 104, O.S.L. 2024 (12 O.S. Supp.  
14 2024, Section 2803.1), is amended to read as follows:

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

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21 1. A statement made by a child who has not attained sixteen  
22 (16) years of age at the time the statement is made, a child sixteen  
23 (16) years of age or older who has a disability, or a person who is  
24 an incapacitated person or vulnerable adult as defined by Section

1 10-103 of Title 43A of the Oklahoma Statutes, which describes any  
2 act of physical abuse, domestic abuse, neglect, enabling physical  
3 abuse or neglect against the child ~~or~~, incapacitated person, or  
4 vulnerable adult or any act of sexual contact, any conduct  
5 proscribed by Sections 741, 745, 748, 843.1, 843.2, 843.3, 843.4,  
6 843.5, or 1111, 1111.1, 1112, 1113, 1114, 1115, 1116, 1117, 1118,  
7 1119, 1123, or 1125 of Title 21 of the Oklahoma Statutes, performed  
8 with or on the child ~~or~~, incapacitated person, or vulnerable adult  
9 by another, or any act or omission resulting in great bodily injury  
10 to the child ~~or~~, incapacitated person, or vulnerable adult; and

11       2. A statement made by a child who has not attained sixteen  
12 (16) years of age at the time the statement is made, a child sixteen  
13 (16) years of age or older who has a disability, or a person who is  
14 an incapacitated person or vulnerable adult as defined by Section  
15 10-103 of Title 43A of the Oklahoma Statutes, which describes any  
16 act of physical abuse, neglect, or enabling physical abuse or  
17 neglect against another child ~~or~~, incapacitated person, or  
18 vulnerable adult, any act of sexual contact with another child ~~or~~,  
19 incapacitated person, or vulnerable adult, any conduct proscribed by  
20 Sections 741, 745, 748, 843.1, 843.2, 843.3, 843.4, 843.5, or 1111,  
21 1111.1, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1123, or  
22 1125 of Title 21 of the Oklahoma Statutes, any act of domestic  
23 abuse, or any act or omission resulting in death or great bodily  
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1      injury to a human being, provided that the child or, incapacitated  
2      person, or vulnerable adult witnessed the act or omission.

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

14            1. A statement made by a child who has not attained sixteen  
15     (16) years of age at the time the statement is made, a child sixteen  
16     (16) years of age or older who has a disability, or a person who is  
17     an incapacitated person or vulnerable adult as defined by Section  
18     10-103 of Title 43A of the Oklahoma Statutes, which describes any  
19     act of physical abuse, domestic abuse, neglect, enabling physical  
20     abuse or neglect against the child or, incapacitated person, or  
21     vulnerable adult or any act of sexual contact, any conduct  
22     proscribed by Sections 741, 745, 748, 843.1, 843.2, 843.3, 843.4,  
23     843.5, or 1111, 1111.1, 1112, 1113, 1114, 1115, 1116, 1117, 1118,  
24     1119, 1123, or 1125 of Title 21 of the Oklahoma Statutes, performed

1 with or on the child ~~or,~~ incapacitated person, or vulnerable adult  
2 by another, or any act or omission resulting in great bodily injury  
3 to the child ~~or,~~ incapacitated person, or vulnerable adult; and  
4       2. A statement made by a child who has not attained sixteen  
5 (16) years of age at the time the statement is made, a child sixteen  
6 (16) years of age or older who has a disability, or a person who is  
7 an incapacitated person or vulnerable adult as defined by Section  
8 10-103 of Title 43A of the Oklahoma Statutes, which describes any  
9 act of physical abuse, neglect, or enabling physical abuse or  
10 neglect against another child ~~or,~~ incapacitated person, or  
11 vulnerable adult, any act of sexual conduct with another child ~~or,~~  
12 incapacitated person, or vulnerable adult, any conduct proscribed by  
13 Sections 741, 745, 748, 843.1, 843.2, 843.3, 843.4, 843.5, or 1111,  
14 1111.1, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1123, or  
15 1125 of Title 21 of the Oklahoma Statutes, any act of domestic  
16 abuse, or any act or omission resulting in death or great bodily  
17 injury to a human being, provided that the child ~~or,~~ incapacitated  
18 person, or vulnerable adult witnessed the act or omission.

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

23       D. As used in this section, "disability" means a physical or  
24 mental impairment which substantially limits one or more of the

1 major life activities of the child or the child is regarded as  
2 having such an impairment by a competent medical professional.

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

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

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7 Presiding Officer of the Senate

8 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
9 2025.

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12 Presiding Officer of the House  
of Representatives

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