

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                   STATE OF OKLAHOMA

3                   1st Session of the 60th Legislature (2025)

4                   ENGROSSED SENATE  
5                   BILL NO. 731

6                   By: Stanley of the Senate

7                   and

8                   Miller of the House

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

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

17                  SECTION 1.       AMENDATORY       12 O.S. 2021, Section 2803.1, as

18                  last amended by Section 1, Chapter 104, O.S.L. 2024 (12 O.S. Supp.  
19                  2024, Section 2803.1), is amended to read as follows:

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

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

15       2. A statement made by a child who has not attained sixteen  
16       (16) years of age at the time the statement is made, a child sixteen  
17       (16) years of age or older who has a disability, or a person who is  
18       an incapacitated person or vulnerable adult as defined by Section  
19       10-103 of Title 43A of the Oklahoma Statutes, which describes any  
20       act of physical abuse, neglect, or enabling physical abuse or  
21       neglect against another child ~~or,~~ incapacitated person, or  
22       vulnerable adult, any act of sexual contact with another child ~~or,~~  
23       incapacitated person, or vulnerable adult, any conduct proscribed by  
24       Sections 741, 745, 748, 843.1, 843.2, 843.3, 843.4, 843.5, or 1111,

1 1111.1, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1123, or  
2 1125 of Title 21 of the Oklahoma Statutes, any act of domestic  
3 abuse, or any act or omission resulting in death or great bodily  
4 injury to a human being, provided that the child ~~or,~~ incapacitated  
5 person, or vulnerable adult witnessed the act or omission.

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

17           1. A statement made by a child who has not attained sixteen  
18 (16) years of age at the time the statement is made, a child sixteen  
19 (16) years of age or older who has a disability, or a person who is  
20 an incapacitated person or vulnerable adult as defined by Section  
21 10-103 of Title 43A of the Oklahoma Statutes, which describes any  
22 act of physical abuse, domestic abuse, neglect, enabling physical  
23 abuse or neglect against the child ~~or,~~ incapacitated person, or  
24 vulnerable adult or any act of sexual contact, any conduct

1 proscribed by Sections 741, 745, 748, 843.1, 843.2, 843.3, 843.4,  
2 843.5, or 1111, 1111.1, 1112, 1113, 1114, 1115, 1116, 1117, 1118,  
3 1119, 1123, or 1125 of Title 21 of the Oklahoma Statutes, performed  
4 with or on the child ~~or,~~ incapacitated person, or vulnerable adult  
5 by another, or any act or omission resulting in great bodily injury  
6 to the child ~~or,~~ incapacitated person, or vulnerable adult; and

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

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

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

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

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9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY, dated  
04/17/2025 - DO PASS.

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