

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 731 By: Stanley

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6 AS INTRODUCED

7 An Act relating to the Oklahoma Evidence Code;  
8 amending 12 O.S. 2021, Section 2803.1, as last  
9 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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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 12 O.S. 2021, Section 2803.1, as  
15 last amended by Section 1, Chapter 104, O.S.L. 2024 (12 O.S. Supp.  
16 2024, Section 2803.1), is amended to read as follows:

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

22 1. A statement made by a child who has not attained sixteen  
23 (16) years of age at the time the statement is made, a child sixteen  
24 (16) years of age or older who has a disability, or a person who is

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

12 2. A statement made by a child who has not attained sixteen

13 (16) years of age at the time the statement is made, a child sixteen

14 (16) years of age or older who has a disability, or a person who is  
15 an incapacitated person or vulnerable adult as defined by Section

16 10-103 of Title 43A of the Oklahoma Statutes, which describes any

17 act of physical abuse, neglect, or enabling physical abuse or

18 neglect against another child or, incapacitated person, or

19 vulnerable adult, any act of sexual contact with another child or,

20 incapacitated person, or vulnerable adult, any conduct proscribed by

21 Sections 741, 745, 748, 843.1, 843.2, 843.3, 843.4, 843.5, or 1111,

22 1111.1, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1123, or

23 1125 of Title 21 of the Oklahoma Statutes, any act of domestic

24 abuse, or any act or omission resulting in death or great bodily

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.

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