

SENATE FLOOR VERSION

February 11, 2025

SENATE BILL NO. 731

By: Stanley of the Senate

and

Miller of the House

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

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

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

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

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

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

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

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

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

1 abuse, or any act or omission resulting in death or great bodily
2 injury to a human being, provided that the child ~~or,~~ incapacitated
3 person, or vulnerable adult witnessed the act or omission.

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

15 1. 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, domestic abuse, neglect, enabling physical
21 abuse or neglect against the child ~~or,~~ incapacitated person, or
22 vulnerable adult or any act of sexual contact, any conduct
23 proscribed by Sections 741, 745, 748, 843.1, 843.2, 843.3, 843.4,
24 843.5, or 1111, 1111.1, 1112, 1113, 1114, 1115, 1116, 1117, 1118,

1 1119, 1123, or 1125 of Title 21 of the Oklahoma Statutes, performed
2 with or on the child ~~or,~~ incapacitated person, or vulnerable adult
3 by another, or any act or omission resulting in great bodily injury
4 to the child ~~or,~~ incapacitated person, or vulnerable adult; and

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

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

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

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

6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
February 11, 2025 - DO PASS

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