

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 60th Legislature (2026)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 4227

By: Kannady and **Miller** of the
House

and

Weaver of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to child sexual abuse; creating the
12 Cindy Clemishire Act; prohibiting the concealing of
13 details relating to certain claims; requiring that
14 identifying information of victim be confidential;
15 providing which agreements act shall apply to;
16 providing exception; amending 22 O.S. 2021, Section
17 40.3A, which relates to reports of sexual crimes;
18 modifying scope of reporting requirement exception;
19 amending 22 O.S. 2021, Section 152, as last amended
20 by Section 1, Chapter 115, O.S.L. 2025 (22 O.S. Supp.
21 2025, Section 152), which relates to criminal
22 procedure; authorizing the prosecution of sexual
23 crimes against children to be brought at any time;
24 providing for noncodification; providing for
 codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

1 This act shall be known and may be cited as the "Cindy
2 Clemishire Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3020 of Title 12, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Notwithstanding any other provision of law, any provision of
7 a settlement agreement that has the purpose or effect of concealing
8 the details relating to a claim of child sexual abuse, as defined in
9 Section 843.5 of Title 21 of the Oklahoma Statutes, or child sexual
10 exploitation, as defined in Section 1-1-105 of Title 10A of the
11 Oklahoma Statutes, and including such offenses set forth in Title 21
12 of the Oklahoma Statutes, is void and unenforceable as contrary to
13 the public policy of this state. Provided, however, that
14 identifying information concerning a victim of child sexual abuse
15 shall be deemed and maintained as confidential.

16 B. Subject to subsection C of this section, subsection A of
17 this section shall apply to an agreement entered into before, on, or
18 after the effective date of this act.

19 C. An individual or entity may not enforce or attempt to
20 enforce an agreement or a provision of an agreement described by
21 subsection A of this section and entered into before the effective
22 date of this act unless:

23 1. A cause of action related to the agreement was initiated
24 prior to the effective date of this act; and

1 2. The individual or entity obtains a declaratory judgment that
2 is final and not subject to appeal and declares that the agreement
3 or provision is enforceable.

4 SECTION 3. AMENDATORY 22 O.S. 2021, Section 40.3A, is
5 amended to read as follows:

6 Section 40.3A. A. Any physician, surgeon, resident, intern,
7 physician assistant, registered nurse, or any other health care
8 professional examining, attending, or treating the victim of what
9 appears to be or is reported by the victim to be rape, rape by
10 instrumentation, or forcible sodomy, as defined in Section 1111,
11 1111.1 or 888 of Title 21 of the Oklahoma Statutes or any form of
12 sexual assault, shall not be required to report any incident of what
13 appears to be or is reported to be such crimes if:

14 1. Committed upon a person who is over the age of eighteen (18)
15 years; ~~and~~

16 ~~2. The person~~ and is not an incapacitated adult; or

17 2. Committed between minors, as revealed during the course of a
18 medical history review, without evidence or a report of coercion,
19 exploitation, threat, or intimidation.

20 B. Any physician, surgeon, resident, intern, physician
21 assistant, registered nurse, or any other health care professional
22 examining, attending, or treating a victim shall be required to
23 report any incident of what appears to be or is reported to be rape,
24 rape by instrumentation, forcible sodomy, or any form of sexual

1 assault, if requested to do so either orally or in writing by the
2 victim and shall be required to inform the victim of the victim's
3 right to have a report made. A requested report of any incident
4 shall be promptly made orally or by telephone to the nearest law
5 enforcement agency in the county wherein the sexual assault occurred
6 or, if the location where the sexual assault occurred is unknown,
7 the report shall be made to the law enforcement agency nearest to
8 the location where the injury is treated.

9 C. In all cases of what appears to be or is reported to be
10 rape, rape by instrumentation, forcible sodomy, or any form of
11 sexual assault, the physician, surgeon, resident, intern, physician
12 assistant, registered nurse, or any other health care professional
13 examining, attending, or treating the victim of what appears to be
14 such crimes, shall clearly and legibly document the incident and
15 injuries observed and reported, as well as any treatment provided or
16 prescribed.

17 D. In all cases of what appears to be or is reported to be
18 rape, rape by instrumentation, forcible sodomy, or any form of
19 sexual assault, the physician, surgeon, resident, intern, physician
20 assistant, registered nurse, or any other health care professional
21 examining, attending, or treating the victim of what appears to be
22 rape, rape by instrumentation, forcible sodomy, or any form of
23 sexual assault, shall refer the victim to sexual assault and victim
24 services programs, including providing the victim with twenty-four-

1 hour statewide telephone communication service established by
2 Section 18p-5 of Title 74 of the Oklahoma Statutes.

3 E. Every physician, surgeon, resident, intern, physician
4 assistant, registered nurse, or any other health care professional
5 making a report of rape, rape by instrumentation, forcible sodomy,
6 or any form of sexual assault pursuant to this section or examining
7 such victims to determine the likelihood of such crimes, and every
8 hospital or related institution in which the victims were examined
9 or treated shall, upon the request of a law enforcement officer
10 conducting a criminal investigation into the case, provide to the
11 officer copies of the results of the examination or copies of the
12 examination on which the report was based, and any other clinical
13 notes, X-rays, photographs, and other previous or current records
14 relevant to the case.

15 SECTION 4. AMENDATORY 22 O.S. 2021, Section 152, as last
16 amended by Section 1, Chapter 115, O.S.L. 2025 (22 O.S. Supp. 2025,
17 Section 152), is amended to read as follows:

18 Section 152. A. Prosecutions for the crimes of bribery,
19 embezzlement of public money, bonds, securities, assets or property
20 of the state or any county, school district, municipality or other
21 subdivision thereof, or of any misappropriation of public money,
22 bonds, securities, assets or property of the state or any county,
23 school district, municipality or other subdivision thereof,
24 falsification of public records of the state or any county, school

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

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

22 C. 1. Prosecutions for sexual crimes against children,
23 specifically rape or forcible sodomy, sodomy, lewd or indecent
24 proposals or acts against children, involving minors in pornography

1 pursuant to Section 886, 888, 1111, 1111.1, 1113, 1114, 1021.2,
2 1021.3, 1040.12a or 1123 of Title 21 of the Oklahoma Statutes, any
3 offense prohibited by Section 843.5 of Title 21 of the Oklahoma
4 Statutes, sexual abuse of a vulnerable adult pursuant to Section
5 843.1 of Title 21 of the Oklahoma Statutes, child trafficking
6 pursuant to Section 866 of Title 21 of the Oklahoma Statutes,
7 nonconsensual dissemination of private sexual images pursuant to
8 Section 1040.13b of Title 21, and failure to report abuse or neglect
9 pursuant to Section 1-2-101 of Title 10A of the Oklahoma Statutes
10 ~~shall~~ may be commenced ~~by the forty-fifth birthday of the alleged~~
11 ~~victim~~ at any time after the commission of the offense. Any offense
12 for which the prosecution is not time-barred upon the effective date
13 of this act shall be subject to the provisions of this subsection.
14 Prosecutions for such crimes committed against victims eighteen (18)
15 years of age or older shall be commenced within twenty (20) years
16 after the discovery of the crime. As used in this paragraph,
17 "discovery" means the date that a physical or sexually related crime
18 involving a victim eighteen (18) years of age or older is reported
19 to a law enforcement agency. Any offense for which the prosecution
20 is not time-barred upon the effective date of this act shall be
21 retroactively subject to the provisions of this subsection.

22 2. However, prosecutions for the crimes listed in paragraph 1
23 of this subsection may be commenced at any time after the commission
24 of the offense if:

- 1 a. physical evidence is collected and preserved that is
2 capable of being tested to obtain a profile from
3 deoxyribonucleic acid (DNA), and
4 b. probable cause as to the identity of the offender is
5 subsequently established through the use of a DNA
6 profile using evidence listed in subparagraph a of
7 this paragraph, or
8 c. the accused person has provided a confession or
9 admission related to the crime.

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

13 4. Any person who knowingly and willfully makes a false claim
14 pursuant to this subsection or a claim that the person knows lacks
15 factual foundation may be reported to local law enforcement for
16 criminal investigation and, upon conviction, shall be guilty of a
17 felony.

18 D. Prosecutions for criminal violations of any provision of the
19 Oklahoma Wildlife Conservation Code shall be commenced within three
20 (3) years after the commission of such offense.

21 E. Prosecutions for the crime of criminal fraud or workers'
22 compensation fraud pursuant to Section 1541.1, 1541.2, 1662 or 1663
23 of Title 21 of the Oklahoma Statutes shall commence within three (3)
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1 years after the discovery of the crime, but in no event greater than
2 seven (7) years after the commission of the crime.

3 F. Prosecution for the crime of false or bogus check pursuant
4 to Section 1541.1, 1541.2, 1541.3 or 1541.4 of Title 21 of the
5 Oklahoma Statutes shall be commenced within five (5) years after the
6 commission of such offense.

7 G. Prosecution for the crime of solicitation for murder in the
8 first degree pursuant to Section 701.16 of Title 21 of the Oklahoma
9 Statutes shall be commenced within seven (7) years after the
10 discovery of the crime. For purposes of this subsection,
11 "discovery" means the date upon which the crime is made known to
12 anyone other than a person involved in the solicitation.

13 H. In all other cases a prosecution for a public offense must
14 be commenced within three (3) years after its commission.

15 I. Prosecution for the crime of accessory after the fact must
16 be commenced within the same statute of limitations as that of the
17 felony for which the person acted as an accessory.

18 J. Prosecution for the crime of arson pursuant to Section 1401,
19 1402, 1403, 1404 or 1405 of Title 21 of the Oklahoma Statutes shall
20 be commenced within seven (7) years after the commission of the
21 crime.

22 K. Prosecutions for criminal violations in which a deadly
23 weapon is used to commit a felony or prosecutions for criminal
24 violations in which a deadly weapon is used in an attempt to commit

1 a felony shall be commenced within seven (7) years after the
2 commission of the crime.

3 L. Prosecutions for the crime of human trafficking pursuant to
4 Section 748 of Title 21 of the Oklahoma Statutes shall be commenced
5 within three (3) years after discovery of the crime. For purposes
6 of this subsection, "discovery" means the date upon which the crime
7 is reported to a law enforcement agency.

8 SECTION 5. This act shall become effective November 1, 2026.

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10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
11 OVERSIGHT, dated 03/03/2026 - DO PASS, As Amended and Coauthored.

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