

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

A Bill

SENATE BILL 223

4
5 By: Senator Rapert

For An Act To Be Entitled

8 AN ACT TO AMEND THE STATUTES OF LIMITATION FOR
9 FRAUDULENT INSURANCE ACTS; AND FOR OTHER PURPOSES.

Subtitle

12 TO AMEND THE STATUTES OF LIMITATION FOR
14 FRAUDULENT INSURANCE ACTS.

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code § 5-1-109(b), concerning the statute of
20 limitations for criminal offenses, is amended to read as follows:

21 (b) Except as otherwise provided in this section, a prosecution for
22 another offense shall be commenced within the following periods of limitation
23 after the offense's commission:

24 (1)(A) Class Y felony or Class A felony, six (6) years.

25 (B) However, for rape, § 5-14-103, the period of
26 limitation is eliminated if biological evidence of the alleged perpetrator is
27 identified that is capable of producing a deoxyribonucleic acid (DNA)
28 profile;

29 (2)(A) Except as provided in subdivision (b)(2)(B)(i) of this
30 section, Class B felony, Class C felony, Class D felony, or an unclassified
31 felony, three (3) years.

32 (B)(i) Criminal prosecution may be commenced for a
33 violation of § 23-66-502 as follows:

34 (a) Within three (3) years of completion of
35 the last act taken to perpetrate alleged fraud; or

36 (b) Within five (5) years of any alleged



1 violation of § 23-66-502 involving a motor vehicle intentionally used to
2 cause a motor vehicle accident for the sole purpose of filing an insurance
3 claim.

4 (ii)(a) If the time period prescribed in subdivision
5 (b)(2)(B)(i) of this section has expired, a criminal prosecution may be
6 commenced if it was not reasonably possible to discover the alleged fraud at
7 the time of the violation.

8 (b) The time period for prosecution in a case
9 described in subdivision (b)(2)(B)(ii)(a) of this section shall be within
10 three (3) years after the alleged fraud is discovered or should reasonably
11 have been discovered;

12 (3)(A) Misdemeanor or violation, one (1) year.

13 (B) However:

14 (i) For failure to notify by a mandated reporter in
15 the first degree, § 12-18-201, and failure to notify by a mandated reporter
16 in the second degree, § 12-18-202, the period of limitation is ten (10) years
17 after the child victim reaches eighteen (18) years of age if the child in
18 question was subject to child maltreatment; and

19 (ii) For a nine-point or greater violation of an
20 Arkansas State Game and Fish Commission regulation, the period of limitation
21 is three (3) years; and

22 (4) Municipal ordinance violation, one (1) year unless a
23 different period of time not to exceed three (3) years is set by ordinance of
24 the municipal government.

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