

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S3/6/17

A Bill

SENATE BILL 223

5 By: Senator Rapert
6

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

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

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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16 SECTION 1. Arkansas Code § 5-1-109(b), concerning the statute of
17 limitations for criminal offenses, is amended to read as follows:
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19 (b) Except as otherwise provided in this section, a prosecution for
20 another offense shall be commenced within the following periods of limitation
21 after the offense's commission:
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23 (1)(A) Class Y felony or Class A felony, six (6) years.
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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

33 (B)(i) Prosecution may be commenced for a 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 purposely used to cause a
2 motor vehicle accident for the purpose of filing an insurance claim.

3 (ii) If a prosecution could not be commenced within
4 the time period prescribed by subdivision (b)(2)(B)(i) of this section
5 because it was not reasonably possible to discover the alleged fraud at the
6 time of the violation, the time period prescribed shall be extended for a
7 period of three (3) years.

8 (iii) The period of limitation under this
9 subdivision (b)(2)(B) may not extend more than ten (10) years after the date
10 of the violation of § 23-66-502;

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

12 (B) However:

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

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

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

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25 /s/Rapert
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