

HOUSE BILL NO. 1590

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (163).

4500H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 556.036 and 556.037, RSMo, and to enact in lieu thereof two new sections relating to the statute of limitations for certain offenses, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 556.036 and 556.037, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 556.036 and 556.037, to read as follows:

556.036. 1. A prosecution for murder, rape in the first degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy, attempted sodomy in the first degree, attempted forcible sodomy, or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

(1) For any felony, three years, except as provided in subdivision (4) of this subsection;

(2) For any misdemeanor, one year;

(3) For any infraction, six months;

(4) For any violation of section 569.040, when classified as a class B felony, or any violation of section 569.050 or 569.055, five years.

3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 years. As used in this subdivision, the term "person who has a legal duty to represent an
19 aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having
20 jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections
21 407.511 to 407.556; and

22 (2) Any offense based upon misconduct in office by a public officer or employee at any
23 time when the person is in public office or employment or within two years thereafter, but in no
24 case shall this provision extend the period of limitation by more than three years; and

25 (3) Any offense based upon an intentional and willful fraudulent claim of child support
26 arrearage to a public servant in the performance of his or her duties within one year after
27 discovery of the offense, but in no case shall this provision extend the period of limitation by
28 more than three years.

29 4. An offense is committed either when every element occurs, or, if a legislative purpose
30 to prohibit a continuing course of conduct plainly appears, at the time when the course of
31 conduct or the person's complicity therein is terminated. Time starts to run on the day after the
32 offense is committed.

33 5. A prosecution is commenced for a misdemeanor or infraction when the information
34 is filed and for a felony when the complaint or indictment is filed.

35 6. The period of limitation does not run:

36 (1) During any time when the accused is absent from the state, but in no case shall this
37 provision extend the period of limitation otherwise applicable by more than three years; ~~[or]~~

38 (2) During any time when the accused is concealing himself **or herself** from justice
39 either within or without this state; ~~[or]~~

40 (3) During any time when a prosecution against the accused for the offense is pending
41 in this state; ~~[or]~~

42 (4) During any time when the accused is found to lack mental fitness to proceed pursuant
43 to section 552.020; **or**

44 **(5) During any period of time after which a DNA profile is developed from evidence**
45 **collected in relation to the commission of a crime and included in a published laboratory**
46 **report until the date upon which the accused is identified by name based upon a match**
47 **between that DNA evidence profile and the known DNA profile of the accused. For**
48 **purposes of this section, the term "DNA profile" means the collective results of the DNA**
49 **analysis of an evidence sample.**

556.037. 1. Notwithstanding the provisions of section 556.036, prosecutions for
2 unlawful sexual offenses involving a person eighteen years of age or under ~~[must be commenced~~
3 ~~within thirty years after the victim reaches the age of eighteen unless the prosecutions are for~~
4 ~~rape in the first degree, forcible rape, attempted rape in the first degree, attempted forcible rape,~~

5 ~~sodomy in the first degree, forcible sodomy, kidnapping, kidnapping in the first degree,~~
6 ~~attempted sodomy in the first degree, or attempted forcible sodomy in which case such~~
7 ~~prosecutions]~~ may be commenced at any time.

8 **2. For purposes of this section, "sexual offenses" include, but are not limited to, all**
9 **offenses for which registration is required under sections 589.400 to 589.425.**

✓