

SECOND REGULAR SESSION

SENATE BILL NO. 1078

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOLSMAN.

Read 1st time March 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6292S.02I

AN ACT

To repeal section 556.036, RSMo, and to enact in lieu thereof one new section relating to the offense of forgery.

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

Section A. Section 556.036, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 556.036, to read as follows:

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

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

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

9 (2) For any misdemeanor, one year;

10 (3) For any infraction, six months;

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

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

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

21 party" shall mean the attorney general or the prosecuting or circuit attorney
22 having jurisdiction pursuant to section 407.553, for purposes of offenses
23 committed pursuant to sections 407.511 to 407.556; and

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

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

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

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

38 6. The period of limitation does not run:

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

42 (2) During any time when the accused is concealing himself from justice
43 either within or without this state; or

44 (3) During any time when a prosecution against the accused for the
45 offense is pending in this state; or

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

48 **(5) During any time before the repayment of a student loan**
49 **comes due, if the offense is a forgery in the inducement of a student**
50 **loan.**

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