

SENATE BILL NO. 699

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

2766S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 556.036, RSMo, and to enact in lieu thereof one new section relating to statute of limitations for felony sexual offenses.

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Section A. Section 556.036, RSMo, is repealed and one new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

556.036. 1. A prosecution for murder, rape in the
2 first degree, forcible rape, attempted rape in the first
3 degree, attempted forcible rape, sodomy in the first degree,
4 forcible sodomy, attempted sodomy in the first degree,
5 attempted forcible sodomy, **any other felony offense in**
6 **chapter 566**, or any class A felony may be commenced at any
7 time.

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

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

13 (2) For any misdemeanor, one year;

14 (3) For any infraction, six months;

15 (4) For any violation of section 569.040, when
16 classified as a class B felony, or any violation of section
17 569.050 or 569.055, five years.

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

21 (1) Any offense a material element of which is either
22 fraud or a breach of fiduciary obligation within one year
23 after discovery of the offense by an aggrieved party or by a
24 person who has a legal duty to represent an aggrieved party
25 and who is himself or herself not a party to the offense,
26 but in no case shall this provision extend the period of
27 limitation by more than three years. As used in this
28 subdivision, the term "person who has a legal duty to
29 represent an aggrieved party" shall mean the attorney
30 general or the prosecuting or circuit attorney having
31 jurisdiction pursuant to section 407.553, for purposes of
32 offenses committed pursuant to sections 407.511 to 407.556;
33 and

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

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

45 4. An offense is committed either when every element
46 occurs, or, if a legislative purpose to prohibit a
47 continuing course of conduct plainly appears, at the time
48 when the course of conduct or the person's complicity

49 therein is terminated. Time starts to run on the day after
50 the offense is committed.

51 5. A prosecution is commenced for a misdemeanor or
52 infraction when the information is filed and for a felony
53 when the complaint or indictment is filed.

54 6. The period of limitation does not run:

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

59 (2) During any time when the accused is concealing
60 himself or herself from justice either within or without
61 this state;

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

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

66 (5) During any period of time after which a DNA
67 profile is developed from evidence collected in relation to
68 the commission of a crime and included in a published
69 laboratory report until the date upon which the accused is
70 identified by name based upon a match between that DNA
71 evidence profile and the known DNA profile of the accused.
72 For purposes of this section, the term "DNA profile" means
73 the collective results of the DNA analysis of an evidence
74 sample.

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