

SECOND REGULAR SESSION

# HOUSE BILL NO. 1799

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES RUZICKA (Sponsor), JONES (117), FUNDERBURK, ONDER, DARROUGH, DOUGHERTY, WILSON (119), FISHER AND RUESTMAN (Co-sponsors).

Read 1st time January 23, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3549L.01I

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### AN ACT

To repeal section 556.036, RSMo, and to enact in lieu thereof one new section relating to the statute of limitations, with penalty provisions.

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Section A. Section 556.036, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 556.036, to read as follows:

556.036. 1. A prosecution for murder, forcible rape, attempted forcible rape, forcible sodomy, 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;

(2) **For any class A misdemeanor, two years;**

(3) For any class B or C misdemeanor, one year;

~~(3)~~ (4) For any infraction, six months.

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.

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

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

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

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

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

32 6. The period of limitation does not run:

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

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

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

39 (4) During any time when the accused is found to lack mental fitness to proceed pursuant  
40 to section 552.020, RSMo.

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