

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 196**  
93RD GENERAL ASSEMBLY

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Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, May 5, 2005, with recommendation that the Senate Committee Substitute do pass.

0474S.02C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 556.036 and 569.040, RSMo, and to enact in lieu thereof two new sections relating to the statute of limitation for certain crimes, with penalty provisions.

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

Section A. Sections 556.036 and 569.040, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 556.036 and 569.040, to read as follows: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 misdemeanor, one year;
- (3) 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 years. As used in this subdivision, the term "person who has a legal duty to represent an aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553,

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18 RSMo, for purposes of offenses committed pursuant to sections 407.511 to 407.556,  
19 RSMo; and

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

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

28 **(4) Any violation of sections 569.040 to 569.055, RSMo, within five years.**

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

33 5. A prosecution is commenced either when an indictment is found or an  
34 information 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  
37 shall this provision extend the period of limitation otherwise applicable by more than  
38 three years; or

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

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

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

569.040. 1. A person commits the crime of arson in the first degree when he **or**  
2 **she:**

3 (1) Knowingly damages a building or inhabitable structure, and when any person  
4 is then present or in near proximity thereto, by starting a fire or causing an explosion  
5 and thereby recklessly places such person in danger of death or serious physical injury;  
6 **or**

7 (2) **By starting a fire or explosion, damages a building or inhabitable**  
8 **structure in an attempt to produce methamphetamine.**

9 2. Arson in the first degree is a class B felony unless a person has suffered

10 serious physical injury or has died as a result of the fire or explosion set by the  
11 defendant **or as a result of a fire or explosion started in an attempt by the**  
12 **defendant to produce methamphetamine**, in which case arson in the first degree  
13 is a class A felony.

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