

FIRST REGULAR SESSION

HOUSE BILL NO. 1033

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FUCHS.

2443H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 556.036 and 556.037, RSMo, and to enact in lieu thereof one new section relating to time limitations for sexual offenses.

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Section A. Sections 556.036 and 556.037, RSMo, are repealed and one new section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 rape,~~
2 ~~attempted rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible~~
3 ~~sodomy, attempted sodomy in the first degree, attempted forcible sodomy]~~ **an offense under**
4 **chapter 566**, or any class A felony may be commenced at any time.

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

7 (1) For any felony, three years, except as provided in subdivision (4) of this
8 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 felony, or any
12 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 prosecution
14 may nevertheless be commenced for:

15 (1) Any offense a material element of which is either fraud or a breach of fiduciary
16 obligation within one year after discovery of the offense by an aggrieved party or by a person
17 who has a legal duty to represent an aggrieved party and who is himself or herself not a party

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 to the offense, but in no case shall this provision extend the period of limitation by more than
19 three years. As used in this subdivision, the term "person who has a legal duty to represent an
20 aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having
21 jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to
22 sections 407.511 to 407.556; and

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

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

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

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

36 6. The period of limitation does not run:

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

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

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

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

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

2 ~~[556.037. 1. Notwithstanding the provisions of section 556.036,~~
3 ~~prosecutions for unlawful sexual offenses involving a person eighteen years of~~
~~age or under may be commenced at any time.~~

4 2. ~~For purposes of this section, "sexual offenses" include, but are not~~
5 ~~limited to, all offenses for which registration is required under sections~~
6 ~~589.400 to 589.425.]~~

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