

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

As Engrossed: S3/6/17  
**A Bill**

SENATE BILL 223

5 By: Senator Rapert  
6

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND THE STATUTES OF LIMITATION FOR  
9 FRAUDULENT INSURANCE ACTS; AND FOR OTHER PURPOSES.

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12 **Subtitle**

13 TO AMEND THE STATUTES OF LIMITATION FOR  
14 FRAUDULENT INSURANCE ACTS.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code § 5-1-109(b), concerning the statute of  
20 limitations for criminal offenses, is amended to read as follows:

21 (b) Except as otherwise provided in this section, a prosecution for  
22 another offense shall be commenced within the following periods of limitation  
23 after the offense's commission:

24 (1)(A) Class Y felony or Class A felony, six (6) years.

25 (B) However, for rape, § 5-14-103, the period of  
26 limitation is eliminated if biological evidence of the alleged perpetrator is  
27 identified that is capable of producing a deoxyribonucleic acid (DNA)  
28 profile;

29 (2)(A) Except as provided in subdivision (b)(2)(B)(i) of this  
30 section, Class B felony, Class C felony, Class D felony, or an unclassified  
31 felony, three (3) years.

32 (B)(i) Prosecution may be commenced for a violation of §  
33 23-66-502 as follows:

34 (a) Within three (3) years of completion of  
35 the last act taken to perpetrate alleged fraud; or

36 (b) Within five (5) years of any alleged



1 violation of § 23-66-502 involving a motor vehicle purposely used to cause a  
2 motor vehicle accident for the purpose of filing an insurance claim.

3 (ii) If a prosecution could not be commenced within  
4 the time period prescribed by subdivision (b)(2)(B)(i) of this section  
5 because it was not reasonably possible to discover the alleged fraud at the  
6 time of the violation, the time period prescribed shall be extended for a  
7 period of three (3) years.

8 (iii) The period of limitation under this  
9 subdivision (b)(2)(B) may not extend more than ten (10) years after the date  
10 of the violation of § 23-66-502;

11 (3)(A) Misdemeanor or violation, one (1) year.

12 (B) However:

13 (i) For failure to notify by a mandated reporter in  
14 the first degree, § 12-18-201, and failure to notify by a mandated reporter  
15 in the second degree, § 12-18-202, the period of limitation is ten (10) years  
16 after the child victim reaches eighteen (18) years of age if the child in  
17 question was subject to child maltreatment; and

18 (ii) For a nine-point or greater violation of an  
19 Arkansas State Game and Fish Commission regulation, the period of limitation  
20 is three (3) years; and

21 (4) Municipal ordinance violation, one (1) year unless a  
22 different period of time not to exceed three (3) years is set by ordinance of  
23 the municipal government.

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25 /s/Rapert

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28 **APPROVED: 03/27/2017**