

FIRST REGULAR SESSION

SENATE BILL NO. 425

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAY.

1876S.011

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 556.036, RSMo, and to enact in lieu thereof one new section relating to the statute of limitations for certain 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Section A. Section 556.036, RSMo, is repealed and one new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, **sexual abuse in the first degree,**
6 **attempted sexual abuse in the first degree, sexual abuse in**
7 **the second degree, attempted sexual abuse in the second**
8 **degree, incest, and attempted incest** or any class A felony
9 may be commenced at any time.

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

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

15 (2) For any misdemeanor, one year;

16 (3) For any infraction, six months;

17 (4) For any violation of section 569.040, when
18 classified as a class B felony, or any violation of section
19 569.050 or 569.055, five years.

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

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

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

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

47 4. An offense is committed either when every element
48 occurs, or, if a legislative purpose to prohibit a

49 continuing course of conduct plainly appears, at the time
50 when the course of conduct or the person's complicity
51 therein is terminated. Time starts to run on the day after
52 the offense is committed.

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

56 6. The period of limitation does not run:

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

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

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

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

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

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