

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
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HOUSE BILLS NOS. 1037, 1188, 1074 & 1271

91ST GENERAL ASSEMBLY

Reported from the Committee on Judiciary, February 20, 2002, with recommendation that the Senate Committee Substitute do pass.

2842S.07C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 556.036, RSMo, relating to sexual offenses, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions and an emergency clause.

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

2 Section A. Section 556.036, RSMo, is repealed and one new section enacted in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

2 556.036. 1. A prosecution for murder, **forcible rape, forcible sodomy**, or any
3 class A felony may be commenced at any time.

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

6 (1) For any felony, three years;

7 (2) For any misdemeanor, one year;

8 (3) For any infraction, six months.

9 3. If the period prescribed in subsection 2 **of this section** has expired, a
10 prosecution may nevertheless be commenced for:

11 (1) Any offense a material element of which is either fraud or a breach of
12 fiduciary obligation within one year after discovery of the offense by an aggrieved party
13 or by a person who has a legal duty to represent an aggrieved party and who is himself
14 or herself not a party to the offense, but in no case shall this provision extend the period
15 of limitation by more than three years. As used in this subdivision, the term "person
16 who has a legal duty to represent an aggrieved party" shall mean the attorney general
17 or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553,
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. An offense is committed either when every element occurs, or, if a legislative
29 purpose to prohibit a continuing course of conduct plainly appears, at the time when the
30 course of conduct or the defendant's complicity therein is terminated. Time starts to run
31 on the day after the offense is committed.

32 5. A prosecution is commenced either when an indictment is found or an
33 information filed.

34 6. The period of limitation does not run:

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

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

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

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

Section B. Because immediate action is necessary to revise the statute of
2 limitations for certain sexual offenses, section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace and safety, and is hereby
4 declared to be an emergency act within the meaning of the constitution, and section A
5 of this act shall be in full force and effect upon its passage and approval.

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