

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 800, Page 9, Section 211.447, Line 218,
2 by inserting immediately after said section and line the following:

3
4 "556.036. 1. A prosecution for murder, rape in the first degree, forcible rape, attempted
5 rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy,
6 attempted sodomy in the first degree, attempted forcible sodomy, or any class A felony may be
7 commenced at any time.

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

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

11 (2) For any misdemeanor, one year;

12 (3) For any infraction, six months;

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

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

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

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

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

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

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

Action Taken _____ Date _____

1 6. The period of limitation does not run:

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

4 (2) During any time when the accused is concealing himself or herself from justice either
5 within or without this state; [øf]

6 (3) During any time when a prosecution against the accused for the offense is pending in
7 this state; [øf]

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

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

15 556.037. 1. Notwithstanding the provisions of section 556.036, prosecutions for unlawful
16 sexual offenses involving a person eighteen years of age or under [~~must be commenced within thirty~~
17 ~~years after the victim reaches the age of eighteen unless the prosecutions are for rape in the first~~
18 ~~degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in the first~~
19 ~~degree, forcible sodomy, kidnapping, kidnapping in the first degree, attempted sodomy in the first~~
20 ~~degree, or attempted forcible sodomy in which case such prosecutions]~~ may be commenced at any
21 time.

22 2. For purposes of this section, "sexual offenses" include, but are not limited to, all offenses
23 for which registration is required under sections 589.400 to 589.425. "; and

24
25 Further amend said bill by amending the title, enacting clause, and intersectional references
26 accordingly.