

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 966, Page 35, Section 513.653, Line 19, by inserting after all of said section and
3 line the following:
4

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

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

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

12 (2) For any misdemeanor, one year;

13 (3) For any infraction, six months;

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

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

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

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

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

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

36 5. A prosecution is commenced for a misdemeanor or infraction when the information is

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1 filed and for a felony when the complaint or indictment is filed.

2 6. The period of limitation does not run:

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

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

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

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

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

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

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

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