

HOUSE BILL NO. 300

INTRODUCED BY NATHE, BRADLEY, E. SMITH, CAMPBELL, O'HARA, BERGENE,
COBB, J. MOORE, O'CONNELL, PECK, J. BROWN, HAND

IN THE HOUSE

January 21, 1985	Introduced and referred to Committee on Judiciary.
February 11, 1985	Committee recommend bill do pass as amended. Report adopted. Bill printed and placed on members' desks.
February 12, 1985	Second reading, do pass. Considered correctly engrossed.
February 13, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 14, 1985	Introduced and referred to Committee on Judiciary.
March 13, 1985	Committee recommend bill be concurrent in. Report adopted.
March 15, 1985	Second reading, concurred in.
March 18, 1985	Third reading, concurred in. Ayes, 47; Noes, 2. Returned to House.

IN THE HOUSE

March 19, 1985	Received from Senate. Sent to enrolling. Reported correctly enrolled.
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HOUSE BILL NO. 300

INTRODUCED BY *NATHAN Bradley E. Smith Campbell O'Hara*
Bergene *Mark O'Connell* *Bank*
J. Brown *Biel Hank*

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND THE STATUTE OF LIMITATIONS FOR PROSECUTION OF CERTAIN SEX OFFENSES AGAINST VICTIMS LESS THAN 16 YEARS OLD; AMENDING SECTION 45-1-205, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-1-205, MCA, is amended to read:

"45-1-205. General time limitations. (1) (a) A prosecution for criminal homicide may be commenced at any time.

(b) A prosecution under 45-5-502 through 45-5-505 may be commenced within 5 years after the offense was committed if the victim was less than 16 years old at the time the offense occurred.

(2) Except as otherwise provided by law, prosecutions for other offenses are subject to the following periods of limitation:

(a) A prosecution for a felony must be commenced within 5 years after it is committed.

(b) A prosecution for a misdemeanor must be commenced within 1 year after it is committed.

(3) The period prescribed in subsection (2) is

extended in a prosecution for theft involving a breach of fiduciary obligation to an aggrieved person as follows:

(a) if the aggrieved person is a minor or incompetent, during the minority or incompetency or within 1 year after the termination thereof;

(b) in any other instance, within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not himself a party to the offense or, in the absence of such discovery, within 1 year after the prosecuting officer becomes aware of the offense.

(4) The period prescribed in subsection (2) shall be extended in a prosecution for unlawful use of a computer, and prosecution shall be brought within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not himself a party to the offense or, in the absence of such discovery, within 1 year after the prosecuting officer becomes aware of the offense.

(5) An offense is committed either when every element occurs or, when the offense is based upon a continuing course of conduct, at the time when the course of conduct is terminated. Time starts to run on the day after the offense



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1 is committed.

2 (6) A prosecution is commenced either when an
3 indictment is found or an information or complaint is
4 filed."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 300

INTRODUCED BY NATHE, BRADLEY, E. SMITH,

CAMPBELL, O'HARA, BERGENE, COBB, JACK MOORE,

O'CONNELL, PECK, J. BROWN, HAND

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND THE STATUTE OF LIMITATIONS FOR PROSECUTION OF CERTAIN SEX OFFENSES AGAINST VICTIMS LESS THAN 16 YEARS OLD; AMENDING SECTION 45-1-205, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-1-205, MCA, is amended to read:

"45-1-205. General time limitations. (1) (a) A prosecution for criminal homicide may be commenced at any time.

(b) A prosecution under 45-5-502 through 45-5-505, 45-5-507, OR 45-5-625 may be commenced within 5 years after the offense was committed if the victim was less than 16 years old at the time the offense occurred.

(2) Except as otherwise provided by law, prosecutions for other offenses are subject to the following periods of limitation:

(a) A prosecution for a felony must be commenced within 5 years after it is committed.

(b) A prosecution for a misdemeanor must be commenced

within 1 year after it is committed.

(3) The period prescribed in subsection (2) is extended in a prosecution for theft involving a breach of fiduciary obligation to an aggrieved person as follows:

(a) if the aggrieved person is a minor or incompetent, during the minority or incompetency or within 1 year after the termination thereof;

(b) in any other instance, within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not himself a party to the offense or, in the absence of such discovery, within 1 year after the prosecuting officer becomes aware of the offense.

(4) The period prescribed in subsection (2) shall be extended in a prosecution for unlawful use of a computer, and prosecution shall be brought within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not himself a party to the offense or, in the absence of such discovery, within 1 year after the prosecuting officer becomes aware of the offense.

(5) An offense is committed either when every element occurs or, when the offense is based upon a continuing

1 course of conduct, at the time when the course of conduct is
2 terminated. Time starts to run on the day after the offense
3 is committed.

4 (6) A prosecution is commenced either when an
5 indictment is found or an information or complaint is
6 filed."

-End-

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2 INTRODUCED BY NATHE, BRADLEY, E. SMITH,
3 CAMPBELL, O'HARA, BERGENE, COBB, JACK MOORE,
4 O'CONNELL, PECK, J. BROWN, HAND

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND THE STATUTE
7 OF LIMITATIONS FOR PROSECUTION OF CERTAIN SEX OFFENSES
8 AGAINST VICTIMS LESS THAN 16 YEARS OLD; AMENDING SECTION
9 45-1-205, MCA."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 45-1-205, MCA, is amended to read:

13 "45-1-205. General time limitations. (1) (a) A
14 prosecution for criminal homicide may be commenced at any
15 time.

16 (b) A prosecution under 45-5-502 through 45-5-505,
17 45-5-507, OR 45-5-625 may be commenced within 5 years after
18 the offense was committed if the victim was less than 16
19 years old at the time the offense occurred.

20 (2) Except as otherwise provided by law, prosecutions
21 for other offenses are subject to the following periods of
22 limitation:

23 (a) A prosecution for a felony must be commenced
24 within 5 years after it is committed.

25 (b) A prosecution for a misdemeanor must be commenced

1 within 1 year after it is committed.

2 (3) The period prescribed in subsection (2) is
3 extended in a prosecution for theft involving a breach of
4 fiduciary obligation to an aggrieved person as follows:

5 (a) if the aggrieved person is a minor or incompetent,
6 during the minority or incompetency or within 1 year after
7 the termination thereof;

8 (b) in any other instance, within 1 year after the
9 discovery of the offense by the aggrieved person or by a
10 person who has legal capacity to represent an aggrieved
11 person or has a legal duty to report the offense and is not
12 himself a party to the offense or, in the absence of such
13 discovery, within 1 year after the prosecuting officer
14 becomes aware of the offense.

15 (4) The period prescribed in subsection (2) shall be
16 extended in a prosecution for unlawful use of a computer,
17 and prosecution shall be brought within 1 year after the
18 discovery of the offense by the aggrieved person or by a
19 person who has legal capacity to represent an aggrieved
20 person or has a legal duty to report the offense and is not
21 himself a party to the offense or, in the absence of such
22 discovery, within 1 year after the prosecuting officer
23 becomes aware of the offense.

24 (5) An offense is committed either when every element
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1 course of conduct, at the time when the course of conduct is
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INTRODUCED BY NATHE, BRADLEY, E. SMITH,
CAMPBELL, O'HARA. BERGENE, COBB, JACK MOORE,
O'CONNELL, PECK, J. BROWN, HAND

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND THE STATUTE
OF LIMITATIONS FOR PROSECUTION OF CERTAIN SEX OFFENSES
AGAINST VICTIMS LESS THAN 16 YEARS OLD; AMENDING SECTION
45-1-205, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-1-205, MCA, is amended to read:

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prosecution for criminal homicide may be commenced at any
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(b) A prosecution under 45-5-502 through 45-5-505,
45-5-507, OR 45-5-625 may be commenced within 5 years after
the offense was committed if the victim was less than 16
years old at the time the offense occurred.

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for other offenses are subject to the following periods of
limitation:

(a) A prosecution for a felony must be commenced
within 5 years after it is committed.

(b) A prosecution for a misdemeanor must be commenced

within 1 year after it is committed.

(3) The period prescribed in subsection (2) is
extended in a prosecution for theft involving a breach of
fiduciary obligation to an aggrieved person as follows:

(a) if the aggrieved person is a minor or incompetent,
during the minority or incompetency or within 1 year after
the termination thereof;

(b) in any other instance, within 1 year after the
discovery of the offense by the aggrieved person or by a
person who has legal capacity to represent an aggrieved
person or has a legal duty to report the offense and is not
himself a party to the offense or, in the absence of such
discovery, within 1 year after the prosecuting officer
becomes aware of the offense.

(4) The period prescribed in subsection (2) shall be
extended in a prosecution for unlawful use of a computer,
and prosecution shall be brought within 1 year after the
discovery of the offense by the aggrieved person or by a
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1 course of conduct, at the time when the course of conduct is
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5 indictment is found or an information or complaint is
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-End-