

HOUSE BILL NO. 504
INTRODUCED BY DAILY

IN THE HOUSE

JANUARY 31, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 1, 1989	FIRST READING.
FEBRUARY 14, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 15, 1989	PRINTING REPORT.
FEBRUARY 18, 1989	SECOND READING, DO PASS.
FEBRUARY 20, 1989	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 97; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 20, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 21, 1989	SECOND READING, CONCURRED IN.
MARCH 23, 1989	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.

MARCH 23, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. 504
2 INTRODUCED BY *Don*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT A
5 PROSECUTION FOR DELIBERATE, MITIGATED, OR NEGLIGENT HOMICIDE
6 MAY BE COMMENCED AT ANY TIME; AMENDING SECTION 45-1-205,
7 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
8

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

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

11 "45-1-205. General time limitations. (1) (a) A
12 prosecution for ~~criminal~~ deliberate, mitigated, or negligent
13 homicide may be commenced at any time.

14 (b) A prosecution under 45-5-502 through 45-5-505,
15 45-5-507, or 45-5-625 may be commenced within 5 years after
16 the offense was committed if the victim was less than 16
17 years old at the time the offense occurred.

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

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

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

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

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

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

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

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

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

LC 1306/01

1 is committed.

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

5 NEW SECTION. **Section 2.** Effective date. [This act] is
6 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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HB 0504/02

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