

SENATE BILL NO. 122
INTRODUCED BY NATHE, REGAN

IN THE SENATE

JANUARY 13, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
JANUARY 21, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 23, 1989	PRINTING REPORT.
JANUARY 26, 1989	SECOND READING, DO PASS.
JANUARY 27, 1989	ENGROSSING REPORT.
JANUARY 28, 1989	THIRD READING, PASSED. AYES, 43; NOES, 1.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 20, 1989	FIRST READING.
MARCH 6, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 8, 1989	SECOND READING, CONCURRED IN.
MARCH 9, 1989	THIRD READING, CONCURRED IN. AYES, 92; NOES, 2.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 11, 1989	RECEIVED FROM HOUSE.
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MARCH 14, 1989

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *123*
2 INTRODUCED BY *WATHE*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE STATUTE OF
5 LIMITATIONS FOR PROSECUTION OF CHILD SEXUAL ABUSE CRIMES;
6 AMENDING SECTION 45-1-205, MCA; AND PROVIDING AN
7 APPLICABILITY 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 homicide may be commenced at any
13 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~~ the victim reaches the age of 18
17 if the victim was less than 16 18 years old at the time the
18 offense occurred.

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

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

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

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

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

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

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

23 (5) An offense is committed either when every element
24 occurs or, when the offense is based upon a continuing
25 course of conduct, at the time when the course of conduct is

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1 terminated. Time starts to run on the day after the offense
2 is committed.

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

6 NEW SECTION. Section 2. Applicability [This act]
7 applies to causes of action arising after [the effective
8 date of this act].

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 122

INTRODUCED BY NATHE, REGAN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE STATUTE OF
LIMITATIONS FOR PROSECUTION OF CHILD SEXUAL ABUSE CRIMES;
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if the victim was less than ~~16~~ 18 years old at the time the
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extended in a prosecution for theft involving a breach of
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(5) An offense is committed either when every element
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1 terminated. Time starts to run on the day after the offense
2 is committed.

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

6 NEW SECTION. Section 2. Applicability. [This act]
7 applies to ~~causes-of-action-arising~~ OFFENSES OCCURRING after
8 [the effective date of this act].

-End-

1 SENATE BILL NO. 122

2 INTRODUCED BY NATHE, REGAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE STATUTE OF
5 LIMITATIONS FOR PROSECUTION OF CHILD SEXUAL ABUSE CRIMES;
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5 filed."

6 NEW SECTION. Section 2. Applicability. [This act]
7 applies to ~~causes-of-action-arising~~ OFFENSES OCCURRING after
8 [the effective date of this act].

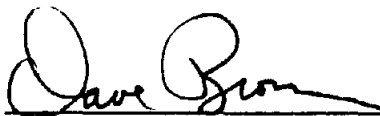
-End-

STANDING COMMITTEE REPORT

March 6, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 122 (third reading copy -- blue) be concurred in as amended.

Signed: 

Dave Brown, Chairman

[REP. DAVE BROWN WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Title, line 6.

Following: "AN"

Insert: "IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE"

2. Page 3, line 6.

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

Renumber: subsequent section

3. Page 3, line 7.

Following: "applies"

Insert: ": (1) retroactively, within the meaning of 1-2-109, to offenses that occurred before [the effective date of this act] and for which the statute of limitations has not expired on [the effective date of this act]; and
(2) "

HOUSE

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SB 122

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SENATE BILL NO. 122

INTRODUCED BY NATHE, REGAN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE STATUTE OF LIMITATIONS FOR PROSECUTION OF CHILD SEXUAL ABUSE CRIMES; AMENDING SECTION 45-1-205, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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

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(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.

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1 terminated. Time starts to run on the day after the offense
2 is committed.

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

6 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS
7 EFFECTIVE ON PASSAGE AND APPROVAL.

8 NEW SECTION. Section 3. Applicability. [This act]
9 applies:

10 (1) RETROACTIVELY, WITHIN THE MEANING OF 1-2-109, TO
11 OFFENSES THAT OCCURRED BEFORE [THE EFFECTIVE DATE OF THIS
12 ACT] AND FOR WHICH THE STATUTE OF LIMITATIONS HAS NOT
13 EXPIRED ON [THE EFFECTIVE DATE OF THIS ACT]; AND

14 (2) to ~~causes--of--action--arising~~ OFFENSES OCCURRING
15 after [the effective date of this act].

-End-