

House BILL NO. 355

INTRODUCED BY

*Rehbein Cole*  
*Raney Mercer Holland Jack Murray Trent Koster*

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE PERIOD OF TIME WITHIN WHICH A PROSECUTION FOR THEFT MUST BE COMMENCED; AND 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 deliberate, mitigated, or negligent homicide may be commenced at any time.

(b) A prosecution under 45-5-502 through 45-5-505, 45-5-507, 45-5-625, or 45-5-627 may be commenced within 5 years after the victim reaches the age of 18 if the victim was less than 18 years old at the time that the offense occurred.

(2) Except as provided in subsection (7)(b) or 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 periods prescribed in subsection (2) are 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 of the minority or incompetency;

(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 personally a party to the offense or, in the absence of discovery, within 1 year after the prosecuting officer becomes aware of the offense.

(4) The period prescribed in subsection (2) must be extended in a prosecution for unlawful use of a computer, and prosecution must 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 personally a party to the offense or, in the absence of discovery,

1 within 1 year after the prosecuting officer becomes aware of the offense.

2 (5) The period prescribed in subsection (2) is extended in a prosecution for misdemeanor fish and  
3 wildlife violations under Title 87, and prosecution must be brought within 3 years after an offense is  
4 committed.

5 (6) The period prescribed in subsection (2)(b) is extended in a prosecution for misdemeanor  
6 violations of the laws regulating the activities of outfitters and guides under Title 37, chapter 47, and  
7 prosecution must be brought within 3 years after an offense is committed.

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

11 (b) A prosecution for theft under 45-6-301 may be commenced at any time during the 5 years  
12 following the date of the theft, whether or not the offender is in possession of or otherwise exerting  
13 unauthorized control over the property at the time the prosecution is commenced. After the 5-year period  
14 ends, a prosecution may be commenced at any time if the offender is still in possession of or otherwise  
15 exerting unauthorized control over the property.

16 (8) A prosecution is commenced either when an indictment is found or an information or complaint  
17 is filed."

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HOUSE BILL NO. 355

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18 (8) A prosecution is commenced either when an indictment is found or an information or complaint  
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