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# A BILL FOR AN ACT

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RELATING TO TIME LIMITATIONS ON CRIMINAL PROSECUTIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 701-108, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§701-108 Time limitations.** (1) A prosecution for  
4 murder, murder in the first and second degrees, attempted  
5 murder, attempted murder in the first and second degrees,  
6 criminal conspiracy to commit murder in any degree, criminal  
7 solicitation to commit murder in any degree, sexual assault in  
8 the first and second degrees, sex trafficking, and continuous  
9 sexual assault of a minor under the age of fourteen years may be  
10 commenced at any time.

11 (2) Except as otherwise provided in this section,  
12 prosecutions for other offenses are subject to the following  
13 periods of limitation:

14 (a) A prosecution for manslaughter where the death was not  
15 caused by the operation of a motor vehicle must be  
16 commenced within ten years after it is committed;





1 party and who is oneself not a party to the offense,  
2 but in no case shall this provision extend the period  
3 of limitation by more than six years from the  
4 expiration of the period of limitation prescribed in  
5 subsection (2);

6 ~~(b) Any offense based on misconduct in office by a public~~  
7 ~~servant at any time when the defendant is in public~~  
8 ~~office or employment or within two years thereafter,~~  
9 ~~but in no case shall this provision extend the period~~  
10 ~~of limitation by more than three years from the~~  
11 ~~expiration of the period of limitation prescribed in~~  
12 ~~subsection (2); and~~

13 ~~(e)] (b) Any felony offense involving evidence containing~~  
14 ~~deoxyribonucleic acid from the offender, if a test~~  
15 ~~confirming the presence of deoxyribonucleic acid is~~  
16 ~~performed prior to expiration of the period of~~  
17 ~~limitation prescribed in subsection (2), but in no~~  
18 ~~case shall this provision extend the period of~~  
19 ~~limitation by more than ten years from the expiration~~  
20 ~~of the period of limitation prescribed in subsection~~  
21 ~~(2).~~



1                   (4) Notwithstanding any other provision of this section or  
2                   any other law to the contrary, for any offense based on  
3                   misconduct by a public servant, the applicable period of  
4                   limitations for a criminal prosecution under subsection (2)  
5                   shall not commence until discovery of the offense by law  
6                   enforcement.

7                   [+4] (5) An offense is committed either when every  
8                   element occurs, or, if a legislative purpose to prohibit a  
9                   continuing course of conduct plainly appears, at the time when  
10                   the course of conduct or the defendant's complicity therein is  
11                   terminated. Time starts to run on the day after the offense is  
12                   committed.

13                   [+5] (6) A prosecution is commenced either when an  
14                   indictment is found or a complaint filed, or when an arrest  
15                   warrant or other process is issued, provided that such warrant  
16                   or process is executed without unreasonable delay.

17                   [+6] (7) The period of limitation does not run:  
18                   (a) During any time when the accused is continuously  
19                   absent from the State or has no reasonably  
20                   ascertainable place of abode or work within the State,  
21                   but in no case shall this provision extend the period



1 of limitation by more than four years from the  
2 expiration of the period of limitation prescribed in  
3 subsection (2);  
4 (b) During any time when a prosecution against the accused  
5 for the same conduct is pending in this State; or  
6 (c) For any felony offense under chapter 707, part V or  
7 VI, during any time when the victim is alive and under  
8 eighteen years of age.

9 [+] (8) As used in this section, "public servant" shall  
10 have the same meaning as in section 710-1000."

11 SECTION 2. This Act does not affect rights and duties that  
12 matured, penalties that were incurred, and proceedings that were  
13 begun before its effective date.

14 SECTION 3. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

**16** SECTION 4. This Act shall take effect upon its approval.

17 INTRODUCED BY: Kareni Saenger  
JAN 23 2026



# H.B. NO. 1912

**Report Title:**

Hawaii Penal Code; Official Misconduct; Time Limitations; Discovery

**Description:**

Provides that for any offense based on misconduct by a public servant, the applicable period of limitations for a criminal prosecution shall not commence until discovery of the offense by law enforcement.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

