

---

# A BILL FOR AN ACT

RELATING TO TIME LIMITATIONS FOR CRIMES.

**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 the  
4 following offenses may be commenced at any time:  
5       (a) murder[τ];  
6       (b) murder in the first and second degrees[τ];  
7       (c) attempted murder[τ];  
8       (d) attempted murder in the first and second degrees[τ];  
9       (e) criminal conspiracy to commit murder in any degree[τ];  
10      (f) criminal solicitation to commit murder in any  
11       degree[τ];  
12      (g) sexual assault in the first, [and] second, third and  
13       fourth degrees[τ];  
14      (h) sex trafficking[τ]; and  
15      (i) continuous sexual assault of a minor under the age of  
16       fourteen years [may be commenced at any time].





- 1 (a) Any offense an element of which is fraud, deception as
  - 2 defined in section 708-800, or a breach of fiduciary
  - 3 obligation or the offense of medical assistance fraud
  - 4 under section 346-43.5, within three years after
  - 5 discovery of the offense by an aggrieved party or by a
  - 6 person who has a legal duty to represent an aggrieved
  - 7 party and who is oneself not a party to the offense,
  - 8 but in no case shall this provision extend the period
  - 9 of limitation by more than six years from the
  - 10 expiration of the period of limitation prescribed in
  - 11 subsection (2);
  - 12 (b) Any offense based on misconduct in office by a public
  - 13 servant at any time when the defendant is in public
  - 14 office or employment or within two years thereafter,
  - 15 but in no case shall this provision extend the period
  - 16 of limitation by more than three years from the
  - 17 expiration of the period of limitation prescribed in
  - 18 subsection (2); and
  - 19 (c) Any felony offense involving evidence containing
  - 20 deoxyribonucleic acid from the offender, if a test
  - 21 confirming the presence of deoxyribonucleic acid is



1 performed prior to expiration of the period of  
2 limitation prescribed in subsection (2), but in no  
3 case shall this provision extend the period of  
4 limitation by more than ten years from the expiration  
5 of the period of limitation prescribed in subsection  
6 (2).

**11** Time starts to run on the day after the offense is committed.

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

**16** (6) The period of limitation does not run:

17 (a) During any time when the accused is continuously  
18 absent from the State or has no reasonably  
19 ascertainable place of abode or work within the State,  
20 but in no case shall this provision extend the period  
21 of limitation by more than four years from the



1 expiration of the period of limitation prescribed in  
2 subsection (2);

3 (b) During any time when a prosecution against the accused  
4 for the same conduct is pending in this State; or  
5 (c) For any felony offense under chapter 707, part V or  
6 VI, during any time when the victim is alive and under  
7 eighteen years of age.

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

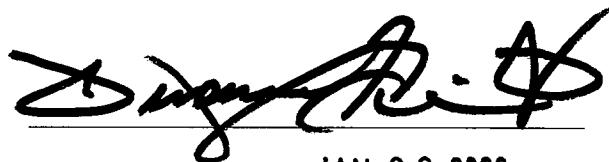
10 SECTION 2. This Act does not affect rights and duties that  
11 matured, penalties that were incurred, and proceedings that were  
12 begun before its effective date.

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

15 SECTION 4. This Act shall take effect upon its approval.

16

INTRODUCED BY:



JAN 23 2026



# H.B. NO. 2035

**Report Title:**

Sexual Assault; Time Limitations; Crime; Prosecution

**Description:**

Adds sexual assault in the third and fourth degrees to the list of offenses which are not subject to a time limitation for prosecution.

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

