
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).

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: Mike Gabbard



S.B. NO. 2886

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.

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