

JAN 23 2026

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

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

7           (b) A prosecution for a class A felony must be commenced  
8 within six years after it is committed;

9           (c) A prosecution for any felony under part IX of chapter  
10 708 must be commenced within five years after it is  
11 committed;

12           (d) A prosecution for any other felony must be commenced  
13 within three years after it is committed;

14           (e) A prosecution for a misdemeanor or parking violation  
15 must be commenced within two years after it is  
16 committed; and

17           (f) A prosecution for a petty misdemeanor or a violation  
18 other than a parking violation must be commenced  
19 within one year after it is committed.

20           (3) If the period prescribed in subsection (2) has  
21 expired, a prosecution may nevertheless be commenced for:



- 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).

7 (4) An offense is committed either when every element  
8 occurs, or, if a legislative purpose to prohibit a continuing  
9 course of conduct plainly appears, at the time when the course  
10 of conduct or the defendant's complicity therein is terminated.  
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.

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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.

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

