
A BILL FOR AN ACT

RELATING TO TIME LIMITATIONS.

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

1 SECTION 1. Section 701-108, Hawaii Revised Statutes, is
2 amended by amending subsection (3) to read as follows:

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

5 (a) Any offense an element of which is either fraud,
6 deception, as defined in section 708-800, or a breach
7 of fiduciary obligation within three years after
8 discovery of the offense by an aggrieved party or by a
9 person who has a legal duty to represent an aggrieved
10 party and who is oneself not a party to the offense,
11 but in no case shall this provision extend the period
12 of limitation by more than six years from the
13 expiration of the period of limitation prescribed in
14 subsection (2);

15 (b) Any offense based on misconduct in office by a public
16 officer or employee at any time when the defendant is
17 in public office or employment or within two years
18 thereafter, but in no case shall this provision extend



1 the period of limitation by more than three years from
2 the expiration of the period of limitation prescribed
3 in subsection (2); and

4 (c) Any felony offense involving evidence containing
5 deoxyribonucleic acid from the offender, if a test
6 confirming the presence of deoxyribonucleic acid is
7 performed prior to expiration of the period of
8 limitation prescribed in subsection (2), but in no
9 case shall this provision extend the period of
10 limitation by more than ten years from the expiration
11 of the period of limitation prescribed in subsection
12 (2)."

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

16 SECTION 3. New statutory material is underscored.

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



SB 2255
SDI
HDI

Report Title:

Fraud Crimes; Statute of Limitations

Description:

Adds crimes that include deception as an element to those crimes for which the date of discovery is used to calculate the time limitation within which the crime must be charged. (SB2255 HD1)

