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. Statutory material to be added is underscored.

14   SECTION 3. This Act shall take effect upon its approval.

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. (SD1)