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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.

# PROPOSED

**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)

