
A BILL FOR AN ACT

RELATING TO CRIME.

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
4 murder, murder in the first and second degrees, attempted
5 murder, and attempted murder in the first and second degrees,
6 criminal conspiracy to commit murder in any degree, [~~and~~]
7 criminal solicitation to commit murder in any degree, or any
8 felony offense under chapter 707, part V, may be commenced at
9 any time.

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

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

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



- 1 (c) A prosecution for any felony under part IX of chapter
2 708 must be commenced within five years after it is
3 committed;
- 4 (d) A prosecution for any other felony must be commenced
5 within three years after it is committed;
- 6 (e) A prosecution for a misdemeanor or parking violation
7 must be commenced within two years after it is
8 committed; and
- 9 (f) A prosecution for a petty misdemeanor or a violation
10 other than a parking violation must be commenced
11 within one year after it is committed.
- 12 (3) If the period prescribed in subsection (2) has
13 expired, a prosecution may nevertheless be commenced for:
- 14 (a) Any offense an element of which is either fraud,
15 deception, as defined in section 708-800, or a breach
16 of fiduciary obligation within three years after
17 discovery of the offense by an aggrieved party or by a
18 person who has a legal duty to represent an aggrieved
19 party and who is oneself not a party to the offense,
20 but in no case shall this provision extend the period
21 of limitation by more than six years from the



1 expiration of the period of limitation prescribed in
2 subsection (2);

3 (b) Any offense based on misconduct in office by a public
4 officer or employee at any time when the defendant is
5 in public office or employment or within two years
6 thereafter, but in no case shall this provision extend
7 the period of limitation by more than three years from
8 the expiration of the period of limitation prescribed
9 in subsection (2); and

10 (c) Any felony offense involving evidence containing
11 deoxyribonucleic acid from the offender, if a test
12 confirming the presence of deoxyribonucleic acid is
13 performed prior to expiration of the period of
14 limitation prescribed in subsection (2), but in no
15 case shall this provision extend the period of
16 limitation by more than ten years from the expiration
17 of the period of limitation prescribed in subsection
18 (2).

19 (4) An offense is committed either when every element
20 occurs, or, if a legislative purpose to prohibit a continuing
21 course of conduct plainly appears, at the time when the course



1 of conduct or the defendant's complicity therein is terminated.
2 Time starts to run on the day after the offense is committed.

3 (5) A prosecution is commenced either when an indictment
4 is found or a complaint filed, or when an arrest warrant or
5 other process is issued, provided that such warrant or process
6 is executed without unreasonable delay.

7 (6) The period of limitation does not run:

8 (a) During any time when the accused is continuously
9 absent from the State or has no reasonably
10 ascertainable place of abode or work within the State,
11 but in no case shall this provision extend the period
12 of limitation by more than four years from the
13 expiration of the period of limitation prescribed in
14 subsection (2);

15 (b) During any time when a prosecution against the accused
16 for the same conduct is pending in this State; or

17 (c) For any felony offense under chapter 707, part [~~V~~ VI],
18 during any time when the victim is alive and under
19 eighteen years of age."

20 SECTION 2. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

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



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Report Title:

Crime; rape

Description:

Removes statute of limitations for prosecution of rape cases.

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