

Senate Engrossed

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 183

SENATE BILL 1488

AN ACT

AMENDING SECTION 13-107, ARIZONA REVISED STATUTES; RELATING TO THE CRIMINAL CODE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-107, Arizona Revised Statutes, is amended to
3 read:

4 13-107. Time limitations

5 A. A prosecution for any homicide, ANY OFFENSE LISTED IN TITLE 13,
6 CHAPTER 14 OR CHAPTER 35.1 THAT IS A CLASS 2 FELONY, ANY misuse of public
7 monies or a felony involving falsification of public records may be commenced
8 at any time.

9 B. Except as otherwise provided in this section, prosecutions for
10 other offenses must be commenced within the following periods after actual
11 discovery by the state or the political subdivision having jurisdiction of
12 the offense or discovery by the state or such THE political subdivision which
13 THAT should have occurred with the exercise of reasonable diligence,
14 whichever first occurs:

- 15 1. For a class 2 through a class 6 felony, seven years.
- 16 2. For a misdemeanor, one year.
- 17 3. For a petty offense, six months.

18 C. For the purposes of subsection B OF THIS SECTION, a prosecution is
19 commenced when an indictment, information or complaint is filed.

20 D. The period of limitation does not run during any time when the
21 accused is absent from the state or has no reasonably ascertainable place of
22 abode within the state.

23 E. The period of limitation does not run for a serious offense as
24 defined in section 13-604 during any time when the identity of the person who
25 commits the offense or offenses is unknown.

26 F. The time limitation within which a prosecution of a class 6 felony
27 shall commence shall be determined pursuant to subsection B, paragraph 1 OF
28 THIS SECTION, irrespective of whether a court enters a judgment of conviction
29 for or a prosecuting attorney designates such offense as a misdemeanor.

30 G. If a complaint, indictment or information filed before the period
31 of limitation has expired is dismissed for any reason, a new prosecution may
32 be commenced within six months after the dismissal becomes final even if the
33 period of limitation has expired at the time of the dismissal or will expire
34 within six months of such THE dismissal.

APPROVED BY THE GOVERNOR APRIL 21, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2001.

Passed the House April 12, 20 01,

Passed the Senate February 26, 20 01,

by the following vote: 36 Ayes,

by the following vote: 30 Ayes,

21 Nays, 3 Not Voting

0 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

16 day of April, 2001,

at 4:53 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 21 day of

April, 2001,

at 10:03 o'clock A M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 23 day of April, 2001,

at 4:45 o'clock P M.
[Signature]
Secretary of State

S.B. 1488