

SENATE BILL NO. 187

INTRODUCED BY J. FIELDER

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CRIMINAL LAWS; PROVIDING THAT PROSECUTIONS FOR SEXUAL OFFENSES AGAINST CERTAIN MINORS MAY BE COMMENCED AT ANY TIME; PROVIDING THAT IT IS A FELONY TO PROVIDE A FALSE REPORT TO LAW ENFORCEMENT REGARDING A FELONY OFFENSE AND PROVIDING PENALTIES; AND AMENDING SECTIONS 45-1-205 AND 45-7-205, MCA."

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

Section 1. Section 45-1-205, MCA, is amended to read:

"45-1-205. General time limitations. (1) (a) A prosecution for deliberate, mitigated, or negligent homicide may be commenced at any time.

(b) Except as provided in ~~subsection~~ subsections (1)(d) and (9), a prosecution for a felony offense under 45-5-502, 45-5-503, or 45-5-507(4) or (5) may be commenced within 10 years after it is committed, except that it may be commenced within 10 years after the victim reaches 18 years of age if the victim was less than 18 years of age at the time that the offense occurred. A prosecution for a misdemeanor offense under those provisions may be commenced within 1 year after the offense is committed, except that it may be commenced within 5 years after the victim reaches 18 years of age if the victim was less than 18 years of age at the time that the offense occurred.

(c) Except as provided in ~~subsection~~ subsections (1)(d) and (9), a prosecution under 45-5-504, 45-5-507(1), (2), (3), or (6), 45-5-625, or 45-5-627 may be commenced within 5 years after the victim reaches 18 years of age if the victim was less than 18 years of age at the time that the offense occurred.

(d) A prosecution for a felony offense under 45-5-502, 45-5-503, 45-5-504, 45-5-507, 45-5-625, or 45-5-627 may be commenced at any time if the victim was less than 12 years of age and the offender was 18 years of age or older.

(2) Except as provided in subsection (7)(b) or as otherwise provided by law, prosecutions for other offenses are subject to the following periods of limitation:

(a) A prosecution for a felony must be commenced within 5 years after it is committed.

1 (b) A prosecution for a misdemeanor must be commenced within 1 year after it is committed.

2 (3) The periods prescribed in subsection (2) are extended in a prosecution for theft involving a breach
3 of fiduciary obligation to an aggrieved person as follows:

4 (a) if the aggrieved person is a minor or incompetent, during the minority or incompetency or within 1
5 year after the termination of the minority or incompetency;

6 (b) in any other instance, within 1 year after the discovery of the offense by the aggrieved person or by
7 a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and
8 is not personally a party to the offense or, in the absence of discovery, within 1 year after the prosecuting officer
9 becomes aware of the offense.

10 (4) The period prescribed in subsection (2) must be extended in a prosecution for unlawful use of a
11 computer, and prosecution must be brought within 1 year after the discovery of the offense by the aggrieved
12 person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the
13 offense and is not personally a party to the offense or, in the absence of discovery, within 1 year after the
14 prosecuting officer becomes aware of the offense.

15 (5) The period prescribed in subsection (2) is extended in a prosecution for misdemeanor fish and wildlife
16 violations under Title 87, and prosecution must be brought within 3 years after an offense is committed.

17 (6) The period prescribed in subsection (2)(b) is extended in a prosecution for misdemeanor violations
18 of the laws regulating the activities of outfitters and guides under Title 37, chapter 47, and prosecution must be
19 brought within 3 years after an offense is committed.

20 (7) (a) An offense is committed either when every element occurs or, when the offense is based upon
21 a continuing course of conduct, at the time when the course of conduct is terminated. Time starts to run on the
22 day after the offense is committed.

23 (b) A prosecution for theft under 45-6-301 may be commenced at any time during the 5 years following
24 the date of the theft, whether or not the offender is in possession of or otherwise exerting unauthorized control
25 over the property at the time the prosecution is commenced. After the 5-year period ends, a prosecution may be
26 commenced at any time if the offender is still in possession of or otherwise exerting unauthorized control over
27 the property, except that the prosecution must be commenced within 1 year after the investigating officer
28 discovers that the offender still possesses or is otherwise exerting unauthorized control over the property.

29 (8) A prosecution is commenced either when an indictment is found or an information or complaint is
30 filed.

1 (9) ff Except as provided in subsection (1)(d), if a suspect is conclusively identified by DNA testing after
2 a time period prescribed in subsection (1)(b) or (1)(c) has expired, a prosecution may be commenced within 1
3 year after the suspect is conclusively identified by DNA testing.

4 (10) A prosecution for reckless driving resulting in death may be commenced within 3 years after the
5 offense is committed.

6 (11) A prosecution of careless driving resulting in death may be commenced within 3 years after the
7 offense is committed."

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9 **Section 2.** Section 45-7-205, MCA, is amended to read:

10 **"45-7-205. False reports to law enforcement authorities.** (1) A person commits an offense under this
11 section if the person knowingly:

12 (a) gives false information to any law enforcement officer with the purpose to implicate another;

13 (b) reports to law enforcement authorities an offense or other incident within their concern knowing that
14 it did not occur; or

15 (c) pretends to furnish law enforcement authorities with information relating to an offense or incident
16 when the person knows that the person has no information relating to the offense or incident.

17 (2) (a) A person convicted under this section of providing a false report to law enforcement authorities
18 regarding a misdemeanor offense shall be fined an amount not to exceed \$500 or be imprisoned in the county
19 jail for any term not to exceed 6 months, or both.

20 (b) A person convicted under this section of providing a false report to law enforcement authorities
21 regarding a felony offense shall be fined an amount not to exceed \$10,000 or be imprisoned in the state prison
22 for a term not to exceed 10 years, or both."

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