

REFERENCE TITLE: *statute of limitations; criminal offenses*

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2043

Introduced by
Representative Grantham

AN ACT

AMENDING SECTION 13-107, ARIZONA REVISED STATUTES; RELATING TO TIME
LIMITATIONS.

(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 conspiracy to commit
6 homicide that results in the death of a person, any offense that is listed
7 in chapter 14 or 35.1 of this title and that is a class 2 felony, any
8 violent sexual assault pursuant to section 13-1423, any violation of
9 section 13-2308.01, 13-2308.03 or 13-3212, any misuse of public monies or
10 a felony involving falsification of public records or any attempt to
11 commit an offense listed in this subsection may be commenced at any time.

12 B. Except as otherwise provided in this section and sections
13 28-672, 28-1381 and 28-1382, prosecutions for other offenses must be
14 commenced within the following periods after ~~actual discovery by the state
15 or the political subdivision having jurisdiction of the offense or
16 discovery by the state or the political subdivision that should have
17 occurred with the exercise of reasonable diligence, whichever first occurs~~
18 **THE DATE OF THE OFFENSE:**

- 19 1. For a class 2 through a class 6 felony, seven years.
- 20 2. For a misdemeanor, one year.
- 21 3. For a petty offense, six months.

22 C. For the purposes of subsection B of this section, a prosecution
23 is commenced when an indictment, information or complaint is filed.

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

27 E. The period of limitation does not run for a serious offense as
28 defined in section 13-706 during any time when the identity of the person
29 who commits the offense or offenses is unknown.

30 F. The time limitation within which a prosecution of a class 6
31 felony shall commence shall be determined pursuant to subsection B,
32 paragraph 1 of this section, irrespective of whether a court enters a
33 judgment of conviction for or a prosecuting attorney designates the
34 offense as a misdemeanor.

35 G. If a complaint, indictment or information filed before the
36 period of limitation has expired is dismissed for any reason, a new
37 prosecution may be commenced within six months after the dismissal becomes
38 final even if the period of limitation has expired at the time of the
39 dismissal or will expire within six months of the dismissal.