§8. Statute of limitations

1. It is a defense that prosecution was commenced after the expiration of the applicable period of limitations provided in this section, except that the following prosecutions may be commenced at any time:

A. A prosecution for murder or criminal homicide in the first or 2nd degree; or [PL 2019, c. 483, §1 (NEW).]

B. If the victim had not attained the age of 16 years at the time of the crime, a prosecution for incest; unlawful sexual contact; sexual abuse of a minor; or rape or gross sexual assault, formerly denominated as gross sexual misconduct. [PL 2019, c. 483, §1 (NEW).]

[PL 2019, c. 483, §1 (RPR).]

2. Except as provided in subsection 1 or 2-A, a prosecution for a Class A, Class B or Class C crime must be commenced within 6 years after it is committed and a prosecution for a Class D or Class E crime must be commenced within 3 years after it is committed.

A. [PL 2019, c. 483, §2 (RP).]

B. [PL 2019, c. 483, §2 (RP).]

[PL 2019, c. 483, §2 (RPR).]

2-A. A prosecution for a Class A, Class B or Class C crime involving unlawful sexual contact or gross sexual assault must be commenced within 20 years after it is committed.

This subsection does not apply to a Class D crime enhanced to a Class C crime pursuant to section 1604, subsection 5, paragraph B.

[PL 2019, c. 113, Pt. C, §57 (AMD); PL 2019, c. 483, §3 (AMD).]

3. The periods of limitations shall not run:

A. During any time when the accused is absent from the State, but in no event shall this provision extend the period of limitation otherwise applicable by more than 5 years; [PL 1987, c. 222, §3 (AMD).]

B. During any time when a prosecution against the accused for the same crime based on the same conduct is pending in this State; or [PL 1987, c. 222, §3 (AMD).]

C. During any time when a prosecution against the accused for the corresponding juvenile crime based on the same conduct is pending in the Juvenile Court. For purposes of this section, pending includes any appeal period and, if an appeal is taken, any period pending its final disposition. [PL 1987, c. 222, §3 (NEW).]

[PL 1987, c. 222, §3 (AMD).]

4. If a timely complaint, information or indictment is dismissed for any error, defect, insufficiency or irregularity, a new prosecution for the same crime based on the same conduct may be commenced within 6 months after the dismissal, or during the next session of the grand jury, whichever occurs later, even though the periods of limitations have expired at the time of such dismissal or will expire within such period of time.

[PL 1981, c. 317, §4 (AMD).]

5. If the period of limitation has expired, a prosecution may nevertheless be commenced for:

A. Any crime based upon breach of fiduciary obligation, within one year after discovery of the crime by an aggrieved party or by a person who has a legal duty to represent an aggrieved party, and who is not a party to the crime, whichever occurs first; [PL 2007, c. 173, §5 (AMD).]

B. Any crime based upon official misconduct by a public servant, at any time when such person is in public office or employment or within 2 years thereafter. [PL 1975, c. 499, §1 (NEW).]

C. This subsection shall in no event extend the limitation period otherwise applicable by more than 5 years. [PL 1975, c. 499, §1 (NEW).]

[PL 2007, c. 173, §5 (AMD).]

6. For purposes of this section:

A. A crime is committed when every element thereof has occurred, or if the crime consists of a continuing course of conduct, at the time when the course of conduct or the defendant's complicity therein is terminated; and [PL 1975, c. 499, §1 (NEW).]

B. A prosecution is commenced whenever one of the following occurs:

(1) A criminal complaint is filed;

(2) An indictment is returned; or

(3) Following waiver of an indictment, an information is filed. [PL 1987, c. 222, §4 (RPR).]

[PL 1987, c. 222, §4 (AMD).]

7. The defense established by this section shall not bar a conviction of a crime included in the crime charged, notwithstanding that the period of limitation has expired for the included crime, if as to the crime charged the period of limitation has not expired or there is no such period, and there is evidence which would sustain a conviction for the crime charged.

[PL 1975, c. 499, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1977, c. 510, §18 (AMD). PL 1981, c. 317, §4 (AMD). PL 1981, c. 470, §§A37-A38 (AMD). PL 1987, c. 222, §§3, 4 (AMD). PL 1991, c. 585, §§1, 2 (AMD). PL 1999, c. 438, §§1, 2 (AMD). PL 2007, c. 173, §5 (AMD). PL 2013, c. 392, §§1, 2 (AMD). PL 2019, c. 113, Pt. C, §57 (AMD). PL 2019, c. 483, §§1-3 (AMD).

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