

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 631
AN ACT

To repeal sections 516.120 and 556.036, RSMo, and to enact in lieu thereof three new sections relating to statutes of limitations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 516.120 and 556.036, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be
3 known as sections 516.120, 516.125, and 556.036, to read as
4 follows:

516.120. Within five years:

2 (1) All actions upon contracts, obligations or
3 liabilities, express or implied, except those mentioned in
4 section 516.110, and except upon judgments or decrees of a
5 court of record, and except where a different time is herein
6 limited;

7 (2) An action upon a liability created by a statute
8 other than a penalty or forfeiture;

9 (3) An action for trespass on real estate;

10 (4) An action for taking, detaining or injuring any
11 goods or chattels, including actions for the recovery of
12 specific personal property[, or for any other injury to the
13 person or rights of another, not arising on contract and not
14 herein otherwise enumerated];

15 (5) An action for relief on the ground of fraud, the
16 cause of action in such case to be deemed not to have
17 accrued until the discovery by the aggrieved party, at any
18 time within ten years, of the facts constituting the fraud;

19 (6) Notwithstanding the provisions of section 516.140
20 to the contrary, an action for assault, battery, or personal
21 injury caused by the defendant committing an offense against
22 the plaintiff of which an essential element is sexual
23 conduct, as that term is defined in section 566.010, as
24 provided in chapter 566, or an offense of incest or
25 attempted incest, as provided in chapter 568.

516.125. An action for any injury to the person or
2 rights of another, not arising on contract and not otherwise
3 provided for by law, including actions for personal injury
4 or bodily injury shall be brought within:

5 (1) Five years if the cause accrued before August 28,
6 2022;

7 (2) Four years if the cause accrued on or after August
8 28, 2022, and before August 28, 2023; or

9 (3) Three years if the cause accrued on or after
10 August 28, 2023.

 556.036. 1. A prosecution for murder, rape in the
2 first degree, forcible rape, attempted rape in the first
3 degree, attempted forcible rape, sodomy in the first degree,
4 forcible sodomy, attempted sodomy in the first degree,
5 attempted forcible sodomy, sexual abuse in the first degree,
6 attempted sexual abuse in the first degree, sexual abuse in
7 the second degree, attempted sexual abuse in the second
8 degree, incest, attempted incest, or any class A felony may
9 be commenced at any time.

10 2. Except as otherwise provided in this section,
11 prosecutions for other offenses must be commenced within the
12 following periods of limitation:

13 (1) For any felony, three years, except as provided in
14 subdivision (4) of this subsection;

15 (2) For any misdemeanor, one year;

16 (3) For any infraction, six months;

17 (4) For any violation of section 569.040, when
18 classified as a class B felony, or any violation of section
19 569.050 or 569.055, five years.

20 3. If the period prescribed in subsection 2 of this
21 section has expired, a prosecution may nevertheless be
22 commenced for:

23 (1) Any offense a material element of which is either
24 fraud or a breach of fiduciary obligation within one year
25 after discovery of the offense by an aggrieved party or by a
26 person who has a legal duty to represent an aggrieved party
27 and who is himself or herself not a party to the offense,
28 but in no case shall this provision extend the period of
29 limitation by more than three years. As used in this
30 subdivision, the term "person who has a legal duty to
31 represent an aggrieved party" shall mean the attorney
32 general or the prosecuting or circuit attorney having
33 jurisdiction pursuant to section 407.553, for purposes of
34 offenses committed pursuant to sections 407.511 to 407.556;
35 and

36 (2) Any offense based upon misconduct in office by a
37 public officer or employee at any time when the person is in
38 public office or employment or within two years thereafter,
39 but in no case shall this provision extend the period of
40 limitation by more than three years; and

41 (3) Any offense based upon an intentional and willful
42 fraudulent claim of child support arrearage to a public
43 servant in the performance of his or her duties within one
44 year after discovery of the offense, but in no case shall
45 this provision extend the period of limitation by more than
46 three years.

47 4. An offense is committed either when every element
48 occurs, or, if a legislative purpose to prohibit a
49 continuing course of conduct plainly appears, at the time

50 when the course of conduct or the person's complicity
51 therein is terminated. Time starts to run on the day after
52 the offense is committed.

53 5. A prosecution is commenced for a misdemeanor or
54 infraction when the information is filed and for a felony
55 when the complaint or indictment is filed.

56 6. The period of limitation does not run:

57 (1) During any time when the accused is absent from
58 the state, but in no case shall this provision extend the
59 period of limitation otherwise applicable by more than three
60 years;

61 (2) During any time when the accused is concealing
62 himself or herself from justice either within or without
63 this state;

64 (3) During any time when a prosecution against the
65 accused for the offense is pending in this state;

66 (4) During any time when the accused is found to lack
67 mental fitness to proceed pursuant to section 552.020; or

68 (5) During any period of time after which a DNA
69 profile is developed from evidence collected in relation to
70 the commission of a crime and included in a published
71 laboratory report until the date upon which the accused is
72 identified by name based upon a match between that DNA
73 evidence profile and the known DNA profile of the accused.
74 For purposes of this section, the term "DNA profile" means
75 the collective results of the DNA analysis of an evidence
76 sample.