

76-1-302 Time limitations for prosecution of offenses -- Provisions if DNA evidence would identify the defendant -- Commencement of prosecution.

- (1) Except as otherwise provided, a prosecution for:
 - (a) a felony or negligent homicide shall be commenced within four years after it is committed, except that prosecution for:
 - (i) forcible sexual abuse shall be commenced within eight years after the offense is committed, if within four years after its commission the offense is reported to a law enforcement agency; and
 - (ii) incest shall be commenced within eight years after the offense is committed, if within four years after its commission the offense is reported to a law enforcement agency;
 - (b) a misdemeanor other than negligent homicide shall be commenced within two years after it is committed; and
 - (c) any infraction shall be commenced within one year after it is committed.
- (2)
 - (a) Notwithstanding Subsection (1), prosecution for the offenses listed in Subsections 76-3-203.5(1)(c)(i)(A) through (BB) may be commenced at any time if the identity of the person who committed the crime is unknown but DNA evidence is collected that would identify the person at a later date.
 - (b) Subsection (2)(a) does not apply if the statute of limitations on a crime has run as of May 5, 2003, and no charges have been filed.
- (3) If the statute of limitations would have run but for the provisions of Subsection (2) and identification of a perpetrator is made through DNA, a prosecution shall be commenced within one year of the discovery of the identity of the perpetrator.
- (4) A prosecution is commenced upon:
 - (a) the finding and filing of an indictment by a grand jury;
 - (b) the filing of a complaint or information; or
 - (c) the issuance of a citation.

Amended by Chapter 320, 2011 General Session