

76-1-303 Time limitations for fraud or breach of fiduciary obligation -- Misconduct of public officer or employee.

- (1) If the period prescribed in Section 76-1-302 has expired, a prosecution may be commenced for any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after a report of the offense has been filed with a law enforcement agency.
- (2) Subsection (1) may not extend the period of limitation as provided in Section 76-1-302 by more than three years.
- (3) If the period prescribed in Section 76-1-301.5 or 76-1-302 has expired, a prosecution may be commenced for:
 - (a) any offense based upon misconduct in office by a public officer or public employee:
 - (i) at any time during which the defendant holds a public office or during the period of his public employment; or
 - (ii) within two years after termination of defendant's public office or public employment.
 - (b) Except as provided in Section 76-1-301.5, Subsection (3) shall not extend the period of limitation otherwise applicable by more than three years.

Amended by Chapter 145, 2009 General Session