



1 conviction has been determined to be invalid and no appeal is pending. The new prosecution may  
2 include any charges which were dismissed as a result of a plea agreement, as well as any known  
3 charges which were not barred at the time of the plea agreement.

4 Section 2. Section **76-1-306** is enacted to read:

5 **76-1-306. Judge to determine.**

6 When an issue concerning the statute of limitations is raised, the judge shall determine by  
7 a preponderance of the evidence whether the prosecution is barred by the limitations in this part.

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**Legislative Review Note**  
**as of 12-3-97 1:55 PM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**