

Senator Mark B. Madsen proposes the following substitute bill:

STATUTE OF LIMITATION REVISIONS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark B. Madsen

House Sponsor: Carl Wimmer

LONG TITLE

General Description:

This bill amends the statute of limitations for fraud or breach of fiduciary obligation.

Highlighted Provisions:

This bill:

- requires that if the statute of limitation for a prosecution of fraud or breach of fiduciary obligation has expired it may begin to run again ~~§~~ **[if]** ~~§~~ when a report of the offense is made to a law enforcement agency and the prosecution of the offense is commenced within one year of the report.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-1-303, as last amended by Laws of Utah 1995, Chapter 232

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-1-303** is amended to read:



26 **76-1-303. Time limitations for fraud or breach of fiduciary obligation --**
27 **Misconduct of public officer or employee.**

28 (1) If the period prescribed in Section 76-1-302 has expired, a prosecution may be
29 commenced for any offense a material element of which is either fraud or a breach of fiduciary
30 obligation within one year after [~~discovery of the offense by an aggrieved party or by a person~~
31 ~~who has a legal duty to represent an aggrieved party and who is himself not a party to the~~
32 ~~offense]~~ a report of the offense has been filed with a law enforcement agency.

33 (2) Subsection (1) may not extend the period of limitation as provided in Section
34 76-1-302 by more than three years.

35 (3) If the period prescribed in Section 76-1-301.5 or 76-1-302 has expired, a
36 prosecution may be commenced for:

37 (a) any offense based upon misconduct in office by a public officer or public employee:

38 (i) at any time during which the defendant holds a public office or during the period of
39 his public employment; or

40 (ii) within two years after termination of defendant's public office or public
41 employment.

42 (b) Except as provided in Section 76-1-301.5, Subsection (3) shall not extend the
43 period of limitation otherwise applicable by more than three years.

S.B. 165 1st Sub. (Green) - Statute of Limitation Revisions

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
