

STATUTE OF LIMITATION REVISIONS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark B. Madsen

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

► requires that the one year statute of limitation for a prosecution of fraud or breach of fiduciary obligation begins when a report of the offense has been made to a law enforcement agency.

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:

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~~] A prosecution may be



28 commenced for any offense a material element of which is either fraud or a breach of fiduciary
29 obligation if:

30 (a) the period prescribed in Section 76-1-302 has expired; and

31 (b) the prosecution begins within one year after [~~discovery of the offense by an~~
32 ~~aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is~~
33 ~~himself not a party to the offense~~] a report of the offense has been filed with a law enforcement
34 agency.

35 (2) Subsection (1) may not extend the period of limitation as provided in Section
36 76-1-302 by more than three years.

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

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

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

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

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

Legislative Review Note
as of 1-27-09 12:52 PM

Office of Legislative Research and General Counsel

S.B. 165 - 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.
