

**76-1-304 Defendant out of state -- Plea held invalid -- New prosecutions.**

- (1) The period of limitation does not run against any defendant during any period of time in which the defendant is out of the state following the commission of an offense.
- (2) If the defendant has entered into a plea agreement with the prosecution and later successfully moves to invalidate his conviction, the period of limitation is suspended from the time of the entry of the plea pursuant to the plea agreement until the time at which the conviction is determined to be invalid, and that determination becomes final.
- (3) For purposes of this section, "final" means:
  - (a) all appeals have been exhausted;
  - (b) no judicial review is pending; and
  - (c) no application for judicial review is pending.
- (4) When the period of limitation is suspended pursuant to Subsection (2), the suspension includes any charges to which the defendant pleaded guilty pursuant to a plea agreement, charges which were dismissed as a result of a plea agreement, as well as any known charges which were not barred at the time of entry of the plea.
- (5) Notwithstanding any other limitation, a prosecution may be commenced for charges described in Subsection (4) within one year after a plea entered pursuant to a plea agreement has been determined to be invalid, and that determination becomes final.

Amended by Chapter 121, 1998 General Session