

SENATE BILL NO. 831

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

2834S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 516.140, 516.371, 537.046, and 556.036, RSMo, and to enact in lieu thereof four new sections relating to statutes of limitations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 516.140, 516.371, 537.046, and
2 556.036, RSMo, are repealed and four new sections enacted in
3 lieu thereof, to be known as sections 516.140, 516.371, 537.046,
4 and 556.036, to read as follows:

516.140. Within two years:

2 (1) An action for libel, slander, injurious falsehood,
3 [assault, battery,] false imprisonment, criminal
4 conversation, malicious prosecution or actions brought under
5 section 290.140[.];

6 (2) **An action for assault or battery, except for those**
7 **mentioned in section 516.371;**

8 (3) An action by an employee for the payment of unpaid
9 minimum wages, unpaid overtime compensation or liquidated
10 damages by reason of the nonpayment of minimum wages or
11 overtime compensation, and for the recovery of any amount
12 under and by virtue of the provisions of the Fair Labor
13 Standards Act of 1938 and amendments thereto, such act being
14 an act of Congress, shall be brought within two years after
15 the cause accrued.

516.371. 1. **Notwithstanding the provisions of section**
2 **516.140 to the contrary, an action for assault or battery**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

3 based upon sexual conduct, as that term is defined in
4 section 566.010, by a defendant against a plaintiff shall be
5 brought within fifteen years.

6 2. Notwithstanding any provision of law to the
7 contrary, there shall be a [ten-year] **fifteen-year** statute
8 of limitation on any action for damages for personal injury
9 caused to an individual by a person within the third degree
10 of affinity or consanguinity who subjects such individual to
11 sexual contact, as defined in section 566.010.

537.046. 1. As used in this section, the following
2 terms mean:

3 (1) "Childhood sexual abuse", any act committed by the
4 defendant against the plaintiff which act occurred when the
5 plaintiff was under the age of eighteen years and which act
6 would have been a violation of section 566.030, [566.040,
7 566.050] **566.031, 566.032, 566.034**, 566.060, [566.070,
8 566.080, 566.090] **566.061, 566.062, 566.064, 566.067,**
9 **566.068, 566.069, 566.071, 566.083, 566.086, 566.093,**
10 **566.095**, 566.100, [566.110, or 566.120] **566.101, 566.209,**
11 **566.210, 566.211**, or section 568.020;

12 (2) "Injury" or "illness", either a physical injury or
13 illness or a psychological injury or illness. A
14 psychological injury or illness need not be accompanied by
15 physical injury or illness.

16 2. Any action to recover damages from injury or
17 illness caused by childhood sexual abuse in an action
18 brought pursuant to this section shall be commenced within
19 [ten] **fifteen** years of the plaintiff attaining the age of
20 twenty-one or within three years of the date the plaintiff
21 discovers, or reasonably should have discovered, that the
22 injury or illness was caused by childhood sexual abuse,
23 whichever later occurs.

24 3. This section shall apply to any action commenced on
25 or after August 28, [2004] **2024**, including any action which
26 would have been barred by the application of the statute of
27 limitation applicable prior to that date.

 556.036. 1. A prosecution for murder, rape in the
2 first degree, forcible rape, attempted rape in the first
3 degree, attempted forcible rape, sodomy in the first degree,
4 forcible sodomy, attempted sodomy in the first degree,
5 attempted forcible sodomy, or any class A felony may be
6 commenced at any time.

7 2. Except as otherwise provided in this section,
8 prosecutions for other offenses must be commenced within the
9 following periods of limitation:

10 (1) For any felony, three years, except as provided in
11 **[subdivision] subdivisions (4) and (5)** of this subsection;

12 (2) For any misdemeanor, one year;

13 (3) For any infraction, six months;

14 (4) For any violation of section 569.040, when
15 classified as a class B felony, or any violation of section
16 569.050 or 569.055, five years;

17 **(5) For any violation of section 566.100 or any**
18 **violation of section 566.101, when classified as a class E**
19 **felony, fifteen years.**

20 3. If the period prescribed in subsection 2 of this
21 section has expired, a prosecution may nevertheless be
22 commenced for:

23 (1) Any offense a material element of which is either
24 fraud or a breach of fiduciary obligation within one year
25 after discovery of the offense by an aggrieved party or by a
26 person who has a legal duty to represent an aggrieved party
27 and who is himself or herself not a party to the offense,
28 but in no case shall this provision extend the period of

29 limitation by more than three years. As used in this
30 subdivision, the term "person who has a legal duty to
31 represent an aggrieved party" shall mean the attorney
32 general or the prosecuting or circuit attorney having
33 jurisdiction pursuant to section 407.553, for purposes of
34 offenses committed pursuant to sections 407.511 to 407.556;
35 and

36 (2) Any offense based upon misconduct in office by a
37 public officer or employee at any time when the person is in
38 public office or employment or within two years thereafter,
39 but in no case shall this provision extend the period of
40 limitation by more than three years; and

41 (3) Any offense based upon an intentional and willful
42 fraudulent claim of child support arrearage to a public
43 servant in the performance of his or her duties within one
44 year after discovery of the offense, but in no case shall
45 this provision extend the period of limitation by more than
46 three years.

47 4. An offense is committed either when every element
48 occurs, or, if a legislative purpose to prohibit a
49 continuing course of conduct plainly appears, at the time
50 when the course of conduct or the person's complicity
51 therein is terminated. Time starts to run on the day after
52 the offense is committed.

53 5. A prosecution is commenced for a misdemeanor or
54 infraction when the information is filed and for a felony
55 when the complaint or indictment is filed.

56 6. The period of limitation does not run:

57 (1) During any time when the accused is absent from
58 the state, but in no case shall this provision extend the
59 period of limitation otherwise applicable by more than three
60 years;

61 (2) During any time when the accused is concealing
62 himself or herself from justice either within or without
63 this state;

64 (3) During any time when a prosecution against the
65 accused for the offense is pending in this state;

66 (4) During any time when the accused is found to lack
67 mental fitness to proceed pursuant to section 552.020; or

68 (5) During any period of time after which a DNA
69 profile is developed from evidence collected in relation to
70 the commission of a crime and included in a published
71 laboratory report until the date upon which the accused is
72 identified by name based upon a match between that DNA
73 evidence profile and the known DNA profile of the accused.
74 For purposes of this section, the term "DNA profile" means
75 the collective results of the DNA analysis of an evidence
76 sample.

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