

## **CHAPTER 29-04 LIMITATIONS**

### **29-04-01. Prosecution for murder not limited.**

There is no limitation of the time within which a prosecution for murder must be commenced. It may be commenced at any time after the death of the person killed.

### **29-04-02. Prosecution for felony other than murder within three years.**

Except as otherwise provided by law, a prosecution for any felony other than murder must be commenced within three years after its commission. Prosecution of felony offenses under chapter 12.1-23 or 50-24.8 must be commenced within the later of three years of commission of the last act that is an element of the offense, three years of discovery of the stolen property, or three years of discovery of the loss of the property or services. Nothing in this section prevents a person prosecuted for murder from being found guilty of any included offense and punished accordingly.

### **29-04-02.1. Prosecution for a felony sexual offense or human trafficking.**

Except as otherwise provided by law, a prosecution for a felony violation of chapter 12.1-20 or for the crime of human trafficking must be commenced in the proper court within seven years after the commission of the offense.

### **29-04-03. Prosecution for misdemeanor or infraction within two years.**

A prosecution of a misdemeanor or infraction, except as otherwise provided by law, must be commenced within two years after its commission. Prosecution of misdemeanor offenses under chapter 12.1-23 must be commenced within the later of two years of commission of the last act that is an element of the offense, two years of discovery of the stolen property, or two years of discovery of the loss of the property or services.

### **29-04-03.1. Prosecution for sexual abuse of minors.**

1. Except as provided in subsection 2, a prosecution for a violation of sections 12.1-20-03 through 12.1-20-08 or of section 12.1-20-11 if the victim was under eighteen years of age at the time the offense was committed must be commenced in the proper court within twenty-one years after the commission of the offense or, if the victim failed to report the offense within this limitation period, within three years after the offense was reported to law enforcement authorities.
2. If, based upon evidence containing deoxyribonucleic acid or a fingerprint obtained at the time of offense, a suspect is conclusively identified by deoxyribonucleic acid testing after the time period prescribed in subsection 1 has expired, a prosecution may be commenced within three years after the suspect is conclusively identified by the deoxyribonucleic acid testing or fingerprint authentication.

### **29-04-03.2. Statute of limitations as to child victim.**

If the victim of a violation of chapter 12.1-20 or of the crime of human trafficking is under the age of fifteen, the applicable period of limitation, if any, does not begin to run until the victim has reached the age of fifteen.

### **29-04-04. Time of defendant's absence not part of limitation.**

If, when a crime or public offense is committed, the defendant is out of the state, or if the defendant is within the state and subsequently leaves the state, the information may be filed, or the indictment found, within the time herein limited, after the defendant's return to the state. No time during which the defendant is not an inhabitant of, or usually resident within, this state is part of the limitation.

**29-04-05. When prosecution is commenced.**

A prosecution is commenced when a uniform complaint and summons, a complaint, or an information is filed or when a grand jury indictment is returned.