

2003 SENATE BILL 66

March 11, 2003 – Introduced by Senators KEDZIE, ROBSON, ROESSLER, STEPP and DARLING, cosponsored by Representatives SCHOOFF, JESKEWITZ, TURNER, HINES, KESTELL, OLSEN, WASSERMAN, GUNDERSON, ALBERS, STONE, NASS, VRAKAS and PETTIS. Referred to Committee on Judiciary, Corrections and Privacy.

1 **AN ACT** *to amend* 939.74 (2) (a); and *to create* 939.74 (2) (am) of the statutes;
2 **relating to:** time limits for the prosecution of 2nd-degree intentional homicide
3 and 2nd-degree reckless homicide.

Analysis by the Legislative Reference Bureau

Current law imposes time limits for commencing the prosecution of most crimes. The state must initiate prosecution within the time limit or is barred from prosecuting the offense. A prosecution is commenced when a court issues a summons or a warrant for arrest, when a grand jury issues an indictment, or when the state files an information alleging that a person committed a specific crime. Generally, the state must commence prosecution of a felony (a crime punishable by incarceration in prison) within six years of the commission of the crime. However, there is no time limit for the prosecution of first-degree intentional homicide, first-degree reckless homicide, or felony murder, and there are longer time limits for the prosecution of certain sexual assaults and certain thefts.

A person commits first-degree intentional homicide if, with intent to kill another human being or an unborn child, the person causes the death of another human being or an unborn child. A person commits first-degree reckless homicide if the person recklessly causes the death of another human being or an unborn child under circumstances that show utter disregard for human life or for the life of an unborn child. Felony murder is the killing of another human being while committing or attempting to commit first-degree or second-degree sexual assault, robbery, or certain arson or burglary offenses.

