

By: Representatives Owen, McCarty, Waldo,
McLean

To: Judiciary B

HOUSE BILL NO. 286

1 AN ACT TO AMEND SECTION 99-1-5, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE STATUTE OF LIMITATIONS ON THE CERTAIN CRIMES OF SEXUAL
3 BATTERY WHEN DNA TESTING PROVIDES ADDITIONAL EVIDENCE; AND FOR
4 RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 99-1-5, Mississippi Code of 1972, is
7 amended as follows:

8 99-1-5. (1) (a) The passage of time shall never bar
9 prosecution against any person for the offenses of murder,
10 manslaughter, aggravated assault, aggravated domestic violence,
11 kidnapping, arson, burglary, forgery, counterfeiting, robbery,
12 larceny, rape, embezzlement, obtaining money or property under
13 false pretenses or by fraud, felonious abuse or battery of a child
14 as described in Section 97-5-39, touching or handling a child for
15 lustful purposes as described in Section 97-5-23, sexual battery
16 of a child as described in Section 97-3-95(1)(c), (d) or (2),
17 sexual battery as described in Section 97-3-95(1)(a) or (b) when
18 the suspect's identity is unknown at the time of the crime, but
19 later discovered due to results of DNA testing of biological



20 evidence, exploitation of children as described in Section
21 97-5-33, promoting prostitution under Section 97-29-51(2) when the
22 person involved is a minor, or any human trafficking offense as
23 described in Section 97-3-54.1(1)(a), (1)(b) or (1)(c), Section
24 97-3-54.2, or Section 97-3-54.3.

25 (b) A person shall not be prosecuted for felonious
26 assistance-program fraud, as described in Section 97-19-71, or for
27 felonious abuse of vulnerable persons, as described in Sections
28 43-47-18 and 43-47-19, unless the prosecution for the offense is
29 commenced within five (5) years next after the commission thereof.

30 (c) A person shall not be prosecuted for larceny of
31 timber as described in Section 97-17-59, unless the prosecution
32 for the offense is commenced within six (6) years next after the
33 commission thereof.

34 (d) The time limitation on prosecution for conspiracy,
35 as described in Section 97-1-1, shall be the same as for the
36 underlying offense for which the defendant is accused of
37 conspiring to commit.

38 (e) A person shall not be prosecuted for bribery as
39 defined in Section 97-11-11, unless the prosecution for the
40 offense is commenced within five (5) years after the commission
41 thereof.

42 (2) A person shall not be prosecuted for any other offense
43 not listed in this section unless the prosecution for the offense



44 is commenced within two (2) years next after the commission
45 thereof.

46 (3) Nothing contained in this section shall bar any
47 prosecution against any person who shall abscond or flee from
48 justice, or shall absent himself from this state or out of the
49 jurisdiction of the court, or so conduct himself that he cannot be
50 found by the officers of the law, or that process cannot be served
51 upon him.

52 **SECTION 2.** This act shall take effect and be in force from
53 and after July 1, 2024.

