

Introduced: 3/8/63
Referred: Judiciary

1 IN THE SENATE
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RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

SENATE BILL NO. 154

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRD LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to changes in the
Criminal Statutes of Limitation; and
providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 12.10.040 is amended to read:

Sec. 12.10.040. WHEN PERIOD OF LIMITATION DOES NOT RUN.

(a) The period of limitation does not run during any time
when the accused, with a purpose to avoid detection, apprehension,
or prosecution, is outside the state or is absent
from his usual place of abode within the state [, BUT IN NO
CASE SHALL THIS PROVISION EXTEND THE PERIOD OF LIMITATION
OTHERWISE APPLICABLE BY MORE THAN THREE YEARS].

(b) The period of limitation does not run during any
time when a prosecution against the accused for the same
conduct is pending in this state.

* Sec. 2. AS 12.10 is amended by adding new sections to read:

Sec. 12.10.050. CRIMINAL CONTEMPT. No proceeding for
criminal contempt shall be instituted against any person,
corporation or association unless begun within one year from
the date of the act complained of; nor shall any such proceeding
be a bar to any criminal prosecution for the same
act.

Sec. 12.10.060. REINDICTMENT WHERE DEFECT FOUND AFTER
PERIOD OF LIMITATION. Whenever an indictment is dismissed

SB #154

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for any error, defect or irregularity with respect to the grand jury, or is found otherwise defective or insufficient for any cause, after the period prescribed by the applicable statute of limitation has expired, a new indictment may be returned no later than one year after the indictment was found defective or insufficient. The new indictment shall not be barred by any statute of limitation.

Sec. 12.10.070. REINDICTMENT WHERE DEFECT FOUND BEFORE PERIOD OF LIMITATION. Whenever an indictment is dismissed for any error, defect or irregularity with respect to the grand jury, or is found otherwise defective or insufficient for any cause, before the period prescribed by the applicable statute of limitation has expired, but the period will expire within one year after the indictment was dismissed, a new indictment may be returned not later than one year after the indictment was found defective or insufficient. The new indictment shall not be barred by any statute of limitation.

* Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.