

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1670

By: Representatives Gazaway, McCullough

For An Act To Be Entitled

AN ACT CONCERNING THE COMMENCEMENT OF A PROSECUTION
AND CONCERNING THE STATUTE OF LIMITATIONS FOR CERTAIN
OFFENSES; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE COMMENCEMENT OF A
PROSECUTION AND CONCERNING THE STATUTE OF
LIMITATIONS FOR CERTAIN OFFENSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 5-1-109(f), concerning the commencement of a prosecution for the purposes of the statute of limitation for an offense, is amended to read as follows:

(f) A prosecution is commenced when an arrest warrant ~~or other process~~ is issued by a judge based on probable cause or an indictment, information, or other charging instrument if the arrest warrant or other process is sought to be executed without unreasonable delay.

SECTION 2. Arkansas Code § 5-1-109(i) and (j), concerning the commencement of a prosecution for the purposes of the statute of limitation for an offense, are amended to read as follows:

~~(i) If there is biological evidence connecting a person with the commission of an offense and that person's identity is unknown, the prosecution is commenced if an indictment or information is filed against the unknown person and the indictment contains the genetic information of the unknown person and the genetic information is accepted to be likely to be~~



~~applicable only to the unknown person.~~

~~(j)~~(i) When deoxyribonucleic acid (DNA) testing implicates a person previously identified through a search of the State DNA Data Base or National DNA Index System, a statute of limitation shall not preclude prosecution of the offense.

APPROVED: 4/30/21