

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1670

5 By: Representatives Gazaway, McCullough
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE COMMENCEMENT OF A PROSECUTION
9 AND CONCERNING THE STATUTE OF LIMITATIONS FOR CERTAIN
10 OFFENSES; AND FOR OTHER PURPOSES.
11

Subtitle

12 CONCERNING THE COMMENCEMENT OF A
13 PROSECUTION AND CONCERNING THE STATUTE OF
14 LIMITATIONS FOR CERTAIN OFFENSES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-1-109(f), concerning the commencement of
22 a prosecution for the purposes of the statute of limitation for an offense,
23 is amended to read as follows:

24 (f) A prosecution is commenced when an arrest warrant ~~or other process~~
25 is issued by a judge based on probable cause or an indictment, information,
26 or other charging instrument if the arrest warrant or other process is sought
27 to be executed without unreasonable delay.
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29 SECTION 2. Arkansas Code § 5-1-109(i) and (j), concerning the
30 commencement of a prosecution for the purposes of the statute of limitation
31 for an offense, are amended to read as follows:

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



1 ~~applicable only to the unknown person.~~

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

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8 **APPROVED: 4/30/21**
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