

SENATE BILL NO. 207

BY SENATOR MIGUEZ

1 AN ACT

2 To amend and reenact the introductory paragraph of Code of Criminal Procedure Arts.
3 572(A) and 573 and to enact Code of Criminal Procedure Art. 571.2, relative to
4 limitations on institution of prosecution; to provide relative to elected officials and
5 public employees; to extend the time limitation on prosecution for certain crimes
6 committed by elected officials and public employees; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The introductory paragraph of Code of Criminal Procedure Arts. 572(A)
10 and 573 are hereby amended and reenacted and Code of Criminal Procedure Art. 571.2 is
11 hereby enacted to read as follows:

12 **Art. 571.2. Time limitation for certain offenses committed by elected officials or**
13 **public employees**

14 **Notwithstanding the provisions of Article 572, the time limitation for the**
15 **institution of prosecution of an elected official or a public employee for the**
16 **following offenses when the offense was committed during the official's term in**
17 **office or the public employee's period of public employment shall be ten years**
18 **after the official's term of office during which the offense was committed ends**
19 **or the official otherwise leaves or vacates the office, whichever is sooner, or ten**
20 **years after the public employee's employment during which the offense was**
21 **committed terminates:**

22 **(1) Abuse of office, R.S. 14:134.3.**

23 **(2) Bribery of a candidate, R.S. 18:1469.**

24 **(3) Bribery of voters, R.S. 18:1461.**

25 **(4) Corrupt influencing, R.S. 14:120.**

26 **(5) Malfeasance in office, R.S. 14:134.**

27 **(6) Public bribery, R.S. 14:118.**

1 Art. 572. Limitation of prosecution of noncapital offenses

2 A. Except as provided in Articles 571 ~~and~~ , 571.1, or 571.2, no person shall
3 be prosecuted, tried, or punished for an offense not punishable by death or life
4 imprisonment, unless the prosecution is instituted within the following periods of
5 time after the offense has been committed:

6 * * *

7 Art. 573. Running of time limitations; exception

8 The time limitations established by Article 572 shall not commence to run
9 as to the following offenses until the relationship or status involved has ceased to
10 exist when:

11 (1) ~~The~~ Except as provided in Article 571.2, the offense charged is based
12 on the misappropriation of any money or thing of value by one who, by virtue of his
13 office, employment, or fiduciary relationship, has been entrusted therewith or has
14 control thereof.

15 (2) The offense charged is extortion (R.S. 14:66) or false accounting (R.S.
16 14:70) committed by a public officer or employee in his official capacity.

17 (3) ~~The offense charged is public bribery.~~

18 (4) The offense charged is a felony crime of violence as defined in R.S.
19 14:2(B) or cruelty to juveniles as defined in R.S. 14:93 and the victim is under
20 eighteen years of age, unless a longer period of limitation is established by Article
21 571.1 or any other provision of law.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____