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HOUSE BILL NO. 2347
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee for Courts of Justice
on _____)
(Patron Prior to Substitute—Delegate Earley)

A BILL to amend and reenact §§ 18.2-472 and 19.2-8 of the Code of Virginia, relating to limitation of prosecutions; false entries or destruction of record by officers.

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-472 and 19.2-8 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-472. False entries or destruction of records by officers.

If a clerk of any court ~~or other~~, public officer, or public employee fraudulently ~~make~~ makes a false entry, or ~~erase~~ erases, ~~alter~~ alters, ~~secrete~~ secretes, or ~~destroy~~ destroys any record, including a microphotographic copy, in his keeping and belonging to his office or employment, he shall be guilty of a Class 1 misdemeanor and shall forfeit his office or employment and be forever incapable of holding any office of honor, profit, or trust under the Constitution of Virginia.

§ 19.2-8. Limitation of prosecutions.

A prosecution for a misdemeanor, or any pecuniary fine, forfeiture, penalty or amercement, shall be commenced within one year next after there was cause therefor, except that a prosecution for petit larceny may be commenced within five years, and for an attempt to produce abortion, within two years after commission of the offense.

A prosecution for any misdemeanor violation of § 54.1-3904 shall be commenced within two years of the discovery of the offense.

A prosecution for violation of laws governing the placement of children for adoption without a license pursuant to § 63.2-1701 shall be commenced within one year from the date of the filing of the petition for adoption.

A prosecution for making a false statement or representation of a material fact knowing it to be false or knowingly failing to disclose a material fact, to obtain or increase any benefit or other payment under the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.) shall be commenced within three years next after the commission of the offense.

A prosecution for any violation of § 10.1-1320, 62.1-44.32 (b), 62.1-194.1, or Article 11 (§ 62.1-44.34:14

31 et seq.) of Chapter 3.1 of Title 62.1 that involves the discharge, dumping or emission of any toxic substance
32 as defined in § 32.1-239 shall be commenced within three years next after the commission of the offense.

33 Prosecution of Building Code violations under § 36-106 shall commence within one year of discovery of
34 the offense by the building official, provided that such discovery occurs within two years of the date of initial
35 occupancy or use after construction of the building or structure, or the issuance of a certificate of use and
36 occupancy for the building or structure, whichever is later. However, prosecutions under § 36-106 relating to
37 the maintenance of existing buildings or structures as contained in the Uniform Statewide Building Code
38 shall commence within one year of the issuance of a notice of violation for the offense by the building
39 official.

40 Prosecution of any misdemeanor violation of § 54.1-111 shall commence within one year of the discovery
41 of the offense by the complainant, but in no case later than five years from occurrence of the offense.

42 Prosecution of any misdemeanor violation of any professional licensure requirement imposed by a locality
43 shall commence within one year of the discovery of the offense by the complainant, but in no case later than
44 five years from occurrence of the offense.

45 Prosecution of nonfelonious offenses which constitute malfeasance in office shall commence within two
46 years next after the commission of the offense.

47 Prosecution for a violation for which a penalty is provided for by § 55.1-1989 shall commence within
48 three years next after the commission of the offense.

49 Prosecution of illegal sales or purchases of wild birds, wild animals and freshwater fish under § 29.1-553
50 shall commence within three years after commission of the offense.

51 Prosecution of violations under Title 58.1 for offenses involving false or fraudulent statements, documents
52 or returns, or for the offense of willfully attempting in any manner to evade or defeat any tax or the payment
53 thereof, or for the offense of willfully failing to pay any tax, or willfully failing to make any return at the time
54 or times required by law or regulations shall commence within three years next after the commission of the
55 offense, unless a longer period is otherwise prescribed.

56 Prosecution of violations of subsection A or B of § 3.2-6570 shall commence within five years of the
57 commission of the offense, except violations regarding agricultural animals shall commence within one year
58 of the commission of the offense.

59 A prosecution for a misdemeanor violation of § 18.2-386.1 or 18.2-386.2 shall be commenced within five

60 years of the commission of the offense or within one year of the date the victim discovers the offense or, by
61 the exercise of due diligence, reasonably should have discovered the offense, whichever is later.

62 A prosecution for any violation of the Campaign Finance Disclosure Act, Chapter 9.3 (§ 24.2-945 et seq.)
63 of Title 24.2, shall commence within one year of the discovery of the offense but in no case more than three
64 years after the date of the commission of the offense.

65 A prosecution of a crime that is punishable as a misdemeanor pursuant to the Virginia Computer Crimes
66 Act (§ 18.2-152.1 et seq.) or pursuant to § 18.2-186.3 for identity theft shall be commenced before the earlier
67 of (i) five years after the commission of the last act in the course of conduct constituting a violation of the
68 article or (ii) one year after the existence of the illegal act and the identity of the offender are discovered by
69 the Commonwealth, by the owner, or by anyone else who is damaged by such violation.

70 A prosecution of a misdemeanor under § 18.2-64.2, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, or
71 18.2-370.6 or clause (ii) of § 18.2-371 where the victim is a minor at the time of the offense shall be
72 commenced no later than one year after the victim reaches majority, unless the alleged offender of such
73 offense was an adult and more than three years older than the victim at the time of the offense, in which
74 instance such prosecution shall be commenced no later than five years after the victim reaches majority.

75 A prosecution for a violation of § 18.2-260.1 shall be commenced within three years of the commission of
76 the offense.

77 *A prosecution for a violation of § 18.2-472 shall be commenced within (i) five years of the commission of*
78 *the offense or (ii) two years after the existence of the illegal act and the identity of the offender are*
79 *discovered by the Commonwealth, whichever is later.*

80 Nothing in this section shall be construed to apply to any person fleeing from justice or concealing
81 himself within or without the Commonwealth to avoid arrest or be construed to limit the time within which
82 any prosecution may be commenced for desertion of a spouse or child or for neglect or refusal or failure to
83 provide for the support and maintenance of a spouse or child.