

CHAPTER 29-04 LIMITATIONS

29-04-01. Prosecution for murder not limited. There is no limitation of the time within which a prosecution for murder must be commenced. It may be commenced at any time after the death of the person killed.

29-04-02. Prosecution for felony other than murder within three years. Except as otherwise provided by law, a prosecution for any felony other than murder must be commenced within three years after its commission. Nothing in this section prevents a person prosecuted for murder from being found guilty of any included offense and punished accordingly.

29-04-02.1. Prosecution for gross sexual imposition. Except as otherwise provided by law, a prosecution for a violation of subdivision a of subsection 1 of section 12.1-20-03 must be commenced in the proper court within seven years after the commission of the offense.

29-04-03. Prosecution for misdemeanor or infraction within two years. A prosecution of a misdemeanor or infraction, except as otherwise provided by law, must be commenced within two years after its commission.

29-04-03.1. Prosecution for sexual abuse of minors. A prosecution for violation of sections 12.1-20-03 through 12.1-20-08 or of section 12.1-20-11 if the victim was under eighteen years of age at the time the offense was committed must be commenced in the proper court within seven years after the commission of the offense or, if the victim failed to report the offense within this limitation period, within three years after the offense was reported to law enforcement authorities.

29-04-03.2. Statute of limitations as to child victim. If the victim of a violation of chapter 12.1-20 is under the age of fifteen, the applicable period of limitation, if any, does not begin to run until the victim has reached the age of fifteen.

29-04-04. Time of defendant's absence not part of limitation. If, when a crime or public offense is committed, the defendant is out of the state, or if the defendant is within the state and subsequently leaves the state, the information may be filed, or the indictment found, within the time herein limited, after the defendant's return to the state. No time during which the defendant is not an inhabitant of, or usually resident within, this state is part of the limitation.

29-04-05. When action is commenced. An information is filed or an indictment found within the meaning of this chapter when it is presented, if an information, by the state's attorney or person appointed to prosecute, or, if an indictment, by the grand jury, in open court, and there received and filed, or if a complaint, when filed by a magistrate having jurisdiction to hear, try, and determine the action.