

2018 -- S 2690

LC004338

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO CRIMINAL PROCEDURE -- INDICTMENTS, INFORMATIONS AND COMPLAINTS

Introduced By: Senator Erin Lynch Prata

Date Introduced: March 20, 2018

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-12-17 of the General Laws in Chapter 12-12 entitled
2 "Indictments, Informations and Complaints" is hereby amended to read as follows:

3 **12-12-17. Statute of limitations.**

4 (a) There shall be no statute of limitations for the following offenses: treason against the
5 state; any homicide, arson, first-degree arson, second-degree arson, third-degree arson, burglary,
6 counterfeiting, forgery, robbery, rape, first-degree sexual assault, first-degree child molestation
7 sexual assault, second-degree child molestation sexual assault, bigamy; manufacturing, selling,
8 distribution, or possession with intent to manufacture, sell, or distribute, a controlled substance
9 under the Uniform Controlled Substance Act, chapter 28 of title 21; or any other offense for
10 which the maximum penalty provided is life imprisonment.

11 (b) The statute of limitations for the following offenses shall be ten (10) years: larceny
12 under § 11-41-2 (receiving stolen goods), § 11-41-3 (embezzlement and fraudulent conversion), §
13 11-41-4 (obtaining property by false pretenses or personation), § 11-41-11 (embezzlement by
14 bank officer or employee), § 11-41-12 (fraudulent conversion by agent or factor), and § 11-41-13
15 (obtaining signature by false pretenses), or any larceny that is punishable as a felony; any
16 violation of chapter 7 of title 11 (bribery); any violation of § 11-18-1 (giving false document to
17 agent, employee, or public official); perjury; any violation of chapter 42 of title 11 (threats and
18 extortion); any violation of chapter 15 of title 7 (racketeer influenced and corrupt organizations);

1 any violation of chapter 57 of title 11 (racketeer violence); any violation of chapter 36 of title 6
2 (antitrust law); any violation of § 11-68-2 (exploitation of an elder); any violation of § 11-41-11.1
3 (unlawful appropriation); any violation of § 11-18-6 (false financial statement to obtain loan or
4 credit); any violation of § 19-9-28 (false statement to obtain a loan); any violation of § 19-9-29
5 (bank fraud); or any violation of § 11-18-34 (residential mortgage fraud); or any violation of
6 chapter 25 of title 17 (Rhode Island campaign contributions and expenditures reporting).

7 (c) The statute of limitations for any other criminal offense shall be three (3) years, unless
8 a longer statute of limitations is otherwise provided for in the general laws.

9 (d) Any person who participates in any offense, either as a principal accessory or
10 conspirator, shall be subject to the same statute of limitations as if the person had committed the
11 substantive offense.

12 (e) The statute of limitations for any violation of chapter 18.9 of title 23 (refuse disposal),
13 chapter 19 of title 23 (solid waste management corporation), chapter 19.1 of title 23 (hazardous
14 waste management), chapter 12 of title 46 (water pollution), and chapter 13 of title 46 (public
15 drinking water supply) shall be seven (7) years from the time that the facts constituting the
16 offense or violation shall have become known to law enforcement authorities, unless a longer
17 statute of limitations is otherwise provided for in the general laws.

18 SECTION 2. Section 17-23-11 of the General Laws in Chapter 17-23 entitled "Election
19 Offenses" is hereby amended to read as follows:

20 **17-23-11. Limitation of prosecutions -- Payment to complainant.**

21 All prosecutions for offenses against the provisions of this chapter shall commence
22 within ~~one year~~ three (3) years after the offenses have been committed, and not afterwards. And
23 upon the presentation of a certificate of the clerk of any court of the final conviction in the court
24 of any person under the provisions of this chapter, the state controller is authorized and directed
25 to draw his or her order on the general treasurer for the sum of fifty dollars (\$50), and deliver the
26 sum to the person complainant in the prosecution.

27 SECTION 3. Section 17-25-13 of the General Laws in Chapter 17-25 entitled "Rhode
28 Island Campaign Contributions and Expenditures Reporting" is hereby amended to read as
29 follows:

30 **17-25-13. Penalties.**

31 ~~(a) Any person who willfully and knowingly violates the provisions of this chapter shall,~~
32 ~~upon conviction, be guilty of a misdemeanor and shall be fined not more than one thousand~~
33 ~~dollars (\$1,000) per violation.~~ Any person who violates the provisions of this chapter shall, upon
34 conviction, if the amount of campaign funds used for personal use exceed one thousand five

1 hundred dollars (\$1,500), shall be punished by imprisonment for not more than ten (10) years, a
2 fine of not more than five thousand dollars (\$5,000), or both. If the amount of campaign fund
3 used for personal use does not exceed one thousand five hundred dollars (\$1,500), the person,
4 upon conviction, shall be subject to imprisonment of not more than one year, a fine of not more
5 than one thousand dollars (\$1,000), or both.

6 (b) The state board may fine any person or entity who violates the provisions of this
7 chapter in an amount not more than one hundred dollars (\$100) per violation.

8 (c) Fines, fees and penalties imposed by the state board for violations of this chapter shall
9 be paid for by the candidate, officeholder or entity against whose campaign the fines, fees or
10 penalties have been levied. Fines, fees and penalties levied by the state board pursuant to this
11 chapter shall not be paid for from contributions or funds available in a campaign account.

12 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would amend the statutes of limitation for offenses involving violations of the
2 campaign contributions and expenditures reporting requirements and would amend the penalties
3 thereof to be commensurate to the offense.

4 This act would take effect upon passage.

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