

### **35.215 Statute of limitations.**

- (1) Except as otherwise provided in this section, a person charged with any offense is not liable to be tried by court-martial or punished under KRS 35.070 if the offense was committed more than three (3) years before the receipt of sworn charges and specifications by an officer exercising court-martial jurisdiction over the command or before the imposition of punishment under KRS 35.070. There shall be no statute of limitations for the crimes set forth in KRS 35.678 to 35.690.
- (2) Periods in which the accused is absent without authority or fleeing from justice shall be excluded in computing the period of limitation prescribed in this article.
- (3) Periods in which the accused was absent from territory in which the state has the authority to apprehend him, or in the custody of civil authorities, or in the hands of the enemy, shall be excluded in computing the period of limitation prescribed in this section.
- (4) When the United States is at war, the running of any statute of limitations applicable to any offense under this code:
  - (a) Involving fraud or attempted fraud against the United States, any state, or any agency of either in any manner, whether by conspiracy or not;
  - (b) Committed in connection with the acquisition, care, handling, custody, control, or disposition of any real or personal property of the United States or any state; or
  - (c) Committed in connection with the negotiation, procurement, award, performance, payment, interim financing, cancellation, or other termination or settlement, of any contract, subcontract, or purchase order which is connected with or related to the prosecution of the war, or with any disposition of termination inventory by any war contractor or government agency;is suspended until two (2) years after the termination of hostilities as proclaimed by the President or by a joint resolution of Congress.
- (5) "War," as used in subsection (4) of this section, means a period of war declared by Congress or the factual determination by the President that the existence of hostilities warrants a finding that a time of war exists.
- (6) (a) If charges or specifications are dismissed as defective or insufficient for any cause and the period prescribed by the applicable statute of limitations:
  1. Has expired; or
  2. Will expire within one hundred eighty (180) days after the date of dismissal of the charges and specifications;trial and punishment under new charges and specifications are not barred by the statute of limitations if the conditions specified in paragraph (b) of this subsection are met.
- (b) The conditions referred to in paragraph (a) of this subsection are that the new charges and specifications must:
  1. Be received by a commander within one hundred eighty (180) days after the dismissal of the charges or specifications; and

2.     Allege the acts or omissions that were alleged in the dismissed charges or specifications.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 75, sec. 4, effective July 15, 2016. -- Amended 2013 Ky. Acts ch. 32, sec. 44, effective June 25, 2013. -- Amended 1970 Ky. Acts ch. 56, sec. 29. -- Created 1954 Ky. Acts ch. 99, sec. 42, effective July 1, 1954.