

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 364
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40220-MS-103* (03/14)

Short Title: Tolling of Misdemeanor Statutes. (Public)

Sponsors: Representative R. Turner.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE STATUTE OF LIMITATIONS FOR MISDEMEANORS
3 CHARGED THROUGH ANY CRIMINAL PROCESS AND TO PROVIDE FOR
4 TOLLING OF THE STATUTE OF LIMITATIONS WHEN MISDEMEANORS ARE
5 DISMISSED WITH LEAVE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 15-1 reads as rewritten:

8 "**§ 15-1. Statute of limitations for misdemeanors.**

9 The crimes of deceit and malicious mischief, and the crime of petit larceny where the value
10 of the property does not exceed five dollars (\$5.00), and all misdemeanors except malicious
11 misdemeanors, shall be ~~presented or found by the grand jury charged~~ within two years after the
12 commission of the same, and not afterwards: Provided, that if any ~~indictment-criminal process~~
13 found within that time shall be defective, so that no judgment can be given thereon, another
14 prosecution may be instituted for the same offense, within one year after the first shall have
15 been abandoned by the State. In addition, this statute of limitations shall be tolled during the
16 time a misdemeanor is dismissed with leave."

17 **SECTION 2.** This act becomes effective December 1, 2017, and applies to
18 offenses committed on or after that date.

