

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

S

1

SENATE BILL 189

Short Title: Tolling of Misd. Statute of Limitations. (Public)

Sponsors: Senators Britt, Randleman, and J. Jackson (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 7, 2017

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATUTE OF LIMITATIONS FOR MISDEMEANORS  
CHARGED THROUGH ANY CRIMINAL PROCESS AND TO PROVIDE FOR TOLLING  
OF THE STATUTE OF LIMITATIONS WHEN MISDEMEANORS ARE DISMISSED  
WITH LEAVE.

The General Assembly of North Carolina enacts:

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

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

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

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

