

29B.44 Statute of limitations.

1. A person charged with desertion or absence without leave in time of war, or with aiding the enemy or with mutiny, may be tried and punished at any time without limitation.

2. Except as otherwise provided in [this section](#), a person charged with desertion in time of peace or with any other offense under this code is not liable to be tried by court-martial if the offense was committed more than five years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command.

3. Except as otherwise provided in [this section](#), a person charged with any offense under this code is not liable to be punished under [section 29B.14](#) if the offense was committed more than two years before the imposition of punishment under [section 29B.14](#).

4. Periods in which the accused was absent from territory in which the state has the authority to apprehend the accused, 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](#).

5. If charges or specifications are dismissed as defective or insufficient for any cause and the period prescribed by the applicable statute of limitations has expired or will expire within one hundred eighty days after the date the charges or specifications are dismissed, trial by court-martial or punishment under [section 29B.14](#) is not barred by the statute of limitations if the following conditions are met:

a. The charges and specifications are received by an officer exercising summary court-martial jurisdiction or having the authority to conduct punishment under [section 29B.14](#) within one hundred eighty days after the charges or specifications are dismissed.

b. The charges and specifications allege some or all of the same acts or omissions that were alleged in the dismissed charges or specifications.

[C66, 71, 73, 75, 77, 79, 81, §29B.44]

[2017 Acts, ch 54, §76](#); [2017 Acts, ch 63, §4](#)

Referred to in [§29B.2](#)

See Code editor's note on simple harmonization

Section amended