

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by prior reference
Vote:	8 - 0 - 1
Yeas:	Barker, Bonamici, Cameron, Flores, Komp, Read, Whisnant, Macpherson
Nays:	0
Exc.:	Krieger,
Prepared By:	Darian Stanford, Counsel
Meeting Dates:	1/26, 4/20

WHAT THE MEASURE DOES: Extends statute of limitations for certain sex crimes to 25 years if DNA (deoxyribonucleic acid) evidence is available. Declares emergency, and bill takes effect upon passage.

ISSUES DISCUSSED:

- Nature and reliability of DNA evidence, including the ability of judges to determine if “chain of custody” of DNA is sufficient to be presented to jury

EFFECT OF COMMITTEE AMENDMENT: Limits application of bill to narrower list of crimes and replaces no statute of limitations with 25-year statute of limitations. Allows state two years as opposed to one year to bring case when DNA evidence uncovered

BACKGROUND: Generally, felony sex offenses are subject to a 6 year statute of limitations (meaning the prosecution must commence within 6 years from the date of the crime). For first or second degree rape or first or second degree sodomy, the limitation is 12 years if DNA evidence is available. If the victim was under 18 years old, the limitations period is the earlier of either (1) the date the victim turns 30 or (2) within 12 years of the date that the crime is reported.

HB 2153 extends the limitations period to 25 years for first and second degree crimes of rape and sodomy and first degree sexual abuse provided that DNA evidence is available. The only exception is that, if it has been more than 6 years from the date of the offense or if either of the “victim under age 18” limitations apply (see above paragraph), then the State must commence prosecution within two years of discovering the identity of the defendant through DNA.

HB 2153 applies only to offenses that, at the time of enactment, remain viable (*i.e.*, they are not already barred by the existing statute of limitations).