

Joint Committee on Ways and Means

Carrier – House: Rep. Hanna
Carrier – Senate: Sen. Nelson

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Do Pass the A-Engrossed Measure as Amended and Be Printed B-Engrossed

Vote: 17 – 0 – 4

- House – Yeas: D. Edwards, Galizio, Garrard, Hanna, Jenson, Morgan, Nathanson, Nolan, Shields
– Nays:
– Exc:
- Senate – Yeas: Bates, Devlin, Johnson, Morse, Nelson, Verger, Westlund, Whitsett
– Nays:
– Exc: Carter, Gordly, Schrader, Winters

Prepared By: Tim Walker, Legislative Fiscal Office

Meeting Date: 6/21/07

WHAT THE MEASURE DOES: This measure will eliminate the statute of limitations on certain sex crimes in which the DNA (deoxyribonucleic acid) has been preserved and its characteristics can be tested. It is not possible to know how many cases this may affect.

ISSUES DISCUSSED:

- Features of amendment
- Fiscal impact

EFFECT OF COMMITTEE AMENDMENT: Adds a crime to the list of crimes that this bill applies to.

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).