



**Testimony of Becky Straus, Legislative Director
In Opposition to HB 3284
House Committee on Judiciary
April 8, 2013**

Chair Barker and Members of the Committee:

HB 3284 would remove completely the statute of limitations for certain sex-related crimes if the victim was under the age of 18 at the time of the alleged crime.

Under this bill, a person could be charged with a crime decades after the alleged event. Current law provides expanded statutes of limitations for sex-related crimes. That expansion of the statute of limitations was adopted in 2007. Additionally, if there is DNA evidence there is no statute of limitations for crimes in the first degree.

In almost every session in recent years, the statute of limitations has been extended in various ways. In 2001, it was extended to 12 years if there was DNA evidence. In 2005, it was expanded to allow prosecution of a crime until the victim reaches 30 years of age if the victim was under the age of 18 at the time the crime was committed. In 2007 it was expanded to allow for prosecution if there was DNA evidence 25 years after the commission of the crime for both first- and second-degree crimes. Most recently, in 2009, the legislature removed the statute of limitations entirely for first-degree sex-related crimes if there was DNA evidence.

In each of these instances, the arguments have been compelling. There are real victims who have suffered greatly. In the past, lost in the consideration of these proposals were the compelling reasons to have a statute of limitations, including protecting the falsely accused person who could be charged with one of these crimes.

The statute of limitations provides important safeguards designed to permit the prosecution and the defense to present a case before the evidence goes stale. Prosecution within a few years of the crime allows a defendant to confront the accuser, and allows the defendant to call witnesses and prepare a defense. As time elapses between the crime and the trial, it becomes increasingly difficult, if not impossible, for the defendant to prepare a meaningful defense – memories are lost, witnesses have died and exculpatory evidence is no longer available.

Criminal defendants are presumed innocent, and the prosecution must prove their guilt beyond a reasonable doubt. In highly emotional cases, however, juries usually presume that the defendant is guilty, otherwise he or she would not have been charged with a crime. This dynamic makes it exceedingly difficult for an innocent person to mount a defense decades after the crime occurred.

We appreciate the intention behind this bill and acknowledge the highly sensitive nature of the issues involved. In light of our concerns, we respectfully request that you do not move forward with HB 3284.

Thank you for your consideration.