

TO: House Judiciary Committee  
FROM: Judith Armatta, Attorney at Law  
DATE: April 6, 2015  
Re: HB 2317 and SB 8

Chair Barker, Members of the Committee:

My name is Judith Armatta. I am writing to express my concern about HB 2317 and SB 8 that would extend the statute of limitations for certain sex crimes.

I was legal counsel to the Oregon Coalition Against Domestic and Sexual Violence for 10 years and was involved in many of the legal reforms that made it possible for rape victims to file charges regardless of their 'reputation' or relationship to the accused. I also have personal experience of how sexual assault laws can be misused in practice – from the side of the accused. My 20 year old nephew was charged with Rape III for having sexual relations with a girl who held herself out to be 18 when, in fact, she was 15 years old. Neither mistake of age nor consent were available defenses. My nephew spent over a year in prison and faces a lifetime as a registered sex offender with all the limitations and opprobrium that entails. Hysteria over sex crimes led to this misuse of laws that were intended to protect victims, but, in some cases, are creating more victims.

Extending the statute of limitations for certain sex crimes is similarly well-intentioned but subject to misuse. Over time, evidence becomes lost or distorted. After 12, 20 or more years, it becomes nearly impossible for someone accused of a crime to defend themselves. If there was no DNA evidence (as there is not for Sex Abuse II, sexual touching), it is usually a "he said/she said" situation. Where the alleged perpetrator is a repeat offender, more recent crimes can be prosecuted. Where there have been no known repeat offenses, the victim may file a civil suit within 10 years of the offense. In that situation, society has less of an interest in prosecuting than does an individual victim, making a civil suit more appropriate.

As we spend limited funds to prosecute, imprison, and supervise so-called sex offenders like my nephew, we are left with insufficient resources to focus on those who are truly dangerous.

Thank you for considering these concerns.

Respectfully,  
Judith Armatta  
Attorney at Law