

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Jeff Rhoades, Counsel

Meeting Dates: 4/1; 4/7; 5/27

WHAT THE MEASURE DOES: Provides that prosecution for crimes of rape in the first degree, sodomy in the first degree, unlawful sexual penetration in the first degree and sexual abuse in the first degree may be commenced within 12 years after commission of offense. Specifies that if victim was minor at time of offense, prosecution may be commenced either within 12 years or before victim attains 30 years of age. Prescribes that bill applies to offenses committed before, on or after act, but that act does not operate to revive previously barred prosecutions.

ISSUES DISCUSSED:

- Need for justice in rape cases and for other sex crimes
- Oregon's short statute of limitations for sex crimes
- Other state's laws
- Destruction of evidence
- Difficulty of both mounting a defense and a prosecution in older cases

EFFECT OF COMMITTEE AMENDMENT: Proposed –A6 amendments eliminate the statute of limitations for the aforementioned crimes.

Proposed –A7 amendments state that prosecution for aforementioned crimes may be commenced within 20 years after commission of the crime, or, if victim was under 18 at time of crime, any time before victim attains age 30, whichever occurs later.

BACKGROUND:

House Bill 2317A represents an effort to raise the statute of limitations on certain sex crimes. ORS 131.125 currently provides the time limitations for the commencement of prosecution in the state of Oregon. Certain crimes, such as murder or its attached inchoate crimes, may be commenced without limitation. Rape in the first degree, sodomy in the first degree, unlawful sexual penetration in the first degree and sexual abuse in the first degree all may be commenced within six years after the commission of the offense or, if the victim was under eighteen years of age at the time of the crime, any time before the victim attains age thirty or within twelve years after the offense is reported, whichever occurs first.

House Bill 2317A increases the statute of limitations on the aforementioned crimes. The bill sets the limitation at 12 years on such offenses or, if the victim was minor at the time of the offense, any time before the victim turns 30. Lastly, the bill applies to offenses committed at any point; however it does not operate to revive any prosecutions which have previously been barred in a court of law.

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This summary has not been adopted or officially endorsed by action of the committee.