

# Our Opinion: Statute of limitations for rape too short

Created on Thursday, 23 April 2015 07:00 | Written by [Editorial board](#) |

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The emotional trauma from rape doesn't magically disappear after a handful of years. Survivors potentially face a lifetime of anxiety, depression, suicidal thoughts and other symptoms of post-traumatic stress disorder.

Oregon legislators should keep these victims foremost in their minds as they consider extending the deadline for prosecutions of rape under the statute of limitations.

Rapists should have to live with the possible consequences of their crimes for at least as long as their victims. Ideally, Oregon would join the majority of states that have no statute of limitations for rape. But without appropriate public pressure on the Oregon Senate, it appears that lawmakers might take the easy way out by simply increasing the statute of limitations from six years to 12.

The state House of Representatives voted this month for the 12-year limit, but that action doesn't go far enough to offer rape victims their maximum opportunity for justice. The Oregon Senate must increase that number to a minimum of 20 years. After all, Senate President Peter Courtney introduced his own bill earlier in the session that would have extended the limit to 20 years. Courtney shouldn't allow the criminal defense lobby to persuade him otherwise now.

As reported previously in the Tribune, the statute of limitations issue is being raised by two rape survivors — Danielle Tudor and Brenda Tracy. In both cases, the men who raped them could not be prosecuted for those crimes because Oregon's extremely short statute of limitations had expired. (The person who raped Tudor, Richard Troy Gillmore, was convicted and sentenced for another rape.)

Tudor and Tracy have nothing to gain from their current legislative lobbying. They just want other rape survivors to have a better shot at justice. However, they have come up against opponents who've raised several less-than-convincing arguments against eliminating the statute of limitations.

One view argues that it is difficult to maintain and produce evidence after many years have passed. However, Oregon doesn't have a statute of limitations for four other crimes, including manslaughter, attempted murder and murder. If the state trusts the evidence in those cases, why wouldn't it do the same for rape cases?

Another contention involves Oregon's system of allowing convictions without a unanimous jury. Oregon is one of only two states where a person can be convicted of a crime on a 10-2 jury vote. Some people are arguing this is a reason to have a shorter statute of limitations.

But it's hard to see any logical connection between the two issues. If non-unanimous juries are the problem, then lawmakers should address that flaw in the law, rather than maintaining a too-short limitation on rape prosecutions.

A third objection is that having a longer statute of limitations might discourage rape victims from reporting their assaults in a timely manner. There is no evidence, however, that longer limitations in other states are having this effect.

Based on the efforts of Tudor and others, Oregon previously eliminated the statute of limitations in rape cases where DNA evidence can be produced. The Legislature now has a chance to show fuller support for the people who've suffered this most traumatic of crimes.

It shouldn't sell them short again.

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## Change limit in rape cases

Oregon has one of the shortest statutes of limitation in the country for rape cases. The existing six-year deadline for prosecutors to charge suspects has resulted in unconscionable injustices for victims.

The list of victims includes Danielle Tudor, who was raped at age 17 in 1979 by Richard Gillmore, the so-called "jogger rapist" who was arrested in 1986 and admitted to nine sexual assaults. But he was charged with only one because the six-year statute of limitations on the others, including Tudor's, had expired.

State lawmakers should reduce the likelihood of future such injustices by extending the deadline in rape cases. House Bill 2317, which passed the House unanimously on April 15, would extend the statute of limitations to 12 years. The Senate should amend the bill to set the limit at 20 years, the deadline sought by victims and their advocates, and return it to the House. (Under existing state law, the statute of limitations is waived if DNA evidence identifies a rape suspect.)

Defense attorneys oppose the longer limit, saying it could compromise defendants' right to a fair trial. But prosecutors would have the option of not bringing charges if they feel that's the case and, far more importantly, they would have the option of proceeding when rapists can properly be brought to justice.

Some crimes are so serious there should be no statute of limitation. A strong argument can be made that rape is one of them. But lacking an open-ended timeline for prosecution, a 20-year deadline for prosecution of rape cases seems reasonable.

Sen. Floyd Prozanski, the Eugene Democrat who chairs the judiciary committee, has suggested lawmakers might consider a 20-year limit during next year's legislative session. They shouldn't wait until then.

*From the Desk of  
Senator Ted Ferrioli*