

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
Senate Committee On Judiciary

MEASURE: HB 2317 A
CARRIER: Sen. Prozanski

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date: 05/27/15

Action: Do Pass The A-Eng Bill.

Meeting Dates: 05/27

Vote:

Yeas: 4 - Gelser, Kruse, Prozanski, Thatcher

Exc: 1 - Burdick

Prepared By: Jeff Rhoades, Counsel

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 states' laws
- Destruction of evidence
- Difficulty of both mounting a defense and a prosecution in older cases

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

House Bill 2317-A 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 30 or within 12 years after the offense is reported, whichever occurs first.

House Bill 2317-A 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 years old. Lastly, the bill applies to offenses committed at any point; however it does not operate to revive any prosecutions that have previously been barred in a court of law.