

STAFF MEASURE SUMMARY

Senate Committee On Rules

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 02/23/16

Action: Do Pass.

Meeting Dates: 02/23

Vote:

Yeas: 3 - Burdick, Ferrioli, Rosenbaum

Nays: 1 - Boquist

Exc: 1 - Beyer

Prepared By: Erin Seiler, Committee Administrator

WHAT THE MEASURE DOES:

Authorizes prosecution of first-degree sex crimes any time after commission of crime if prosecuting attorney obtains additional corroborating evidence of crime. Requires prosecuting attorney to present evidence reasonably tending to negate guilt to grand jury.

ISSUES DISCUSSED:

- Due process guarantees
- Need for and type of corroborating evidence necessary for prosecution
- Types of first-degree sex crimes that could be subject to unlimited statute of limitations
- Statute of limitations in other states
- Possible amendment

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Senate Bill 1600 allows an unlimited statute of limitations for first-degree sex crimes when there is additional corroborating evidence of the crime. This corroborating evidence can be through non-DNA physical evidence, such as a video tape or recording; a confession by the defendant to that particular crime; statements made by the victim that are made close in time to the alleged crime; or when multiple victims come forward alleging crimes similar enough to be on the same charging instrument.