

1 **CRIMINAL STATUTE OF LIMITATIONS**

2 **AMENDMENTS**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Carl Wimmer**

6 Senate Sponsor: Margaret Dayton

8 **LONG TITLE**

9 **General Description:**

10 This bill removes the statutes of limitations for prosecution of all first degree felony sex
11 offenses.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ provides that prosecution of a person for any first degree felony sex offense may be
15 commenced at any time.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **76-1-301**, as last amended by Laws of Utah 2002, Chapter 208

23 **76-1-302**, as last amended by Laws of Utah 2005, Chapters 59, and 270

24 REPEALS:

25 **76-1-303.5**, as last amended by Laws of Utah 1996, Chapter 137

27 *Be it enacted by the Legislature of the state of Utah:*

28 Section 1. Section **76-1-301** is amended to read:

29 **76-1-301. Offenses for which prosecution may be commenced at any time.**

30 [A] Notwithstanding any other provisions of this code, prosecution for [a] the following
31 offenses may be commenced at any time:

- 32 (1) capital felony[:];
- 33 (2) aggravated murder[:];
- 34 (3) murder[:];
- 35 (4) manslaughter[:];
- 36 (5) child abuse homicide which is a second degree felony[:];
- 37 (6) aggravated kidnapping~~[-or]~~[:];
- 38 (7) child kidnapping [~~may be commenced at any time.~~];
- 39 (8) rape;
- 40 (9) rape of a child;
- 41 (10) object rape;
- 42 (11) object rape of a child;
- 43 (12) forcible sodomy;
- 44 (13) sodomy on a child;
- 45 (14) sexual abuse of a child;
- 46 (15) aggravated sexual abuse of a child; or
- 47 (16) aggravated sexual assault.

48 Section 2. Section **76-1-302** is amended to read:

49 **76-1-302. Time limitations for prosecution of offenses -- Provisions if DNA**
50 **evidence would identify the defendant -- Commencement of prosecution.**

- 51 (1) Except as otherwise provided, a prosecution for:
- 52 (a) a felony or negligent homicide shall be commenced within four years after it is
- 53 committed, except that prosecution for [~~the offenses under Subsection (2)] forcible sexual abuse~~
- 54 shall be commenced within eight years after the offense is committed, if within four years after
- 55 its commission the offense is reported to a law enforcement agency;
- 56 (b) a misdemeanor other than negligent homicide shall be commenced within two years
- 57 after it is committed; and

58 (c) any infraction shall be commenced within one year after it is committed.
59 [~~(2) Offenses referred to in Subsection (1) are:~~]
60 [~~(a) rape under Section 76-5-402;~~]
61 [~~(b) object rape under Section 76-5-402.2;~~]
62 [~~(c) forcible sodomy under Subsection 76-5-403(2);~~]
63 [~~(d) forcible sexual abuse under Section 76-5-404; and~~]
64 [~~(e) aggravated sexual assault under Section 76-5-405.~~]
65 [~~(3)~~] (2) (a) Notwithstanding Subsection (1), prosecution for the offenses listed in
66 Subsections 76-3-203.5(1)(c)(i)(A) through (AA) may be commenced at any time if the identity
67 of the person who committed the crime is unknown but DNA evidence is collected that would
68 identify the person at a later date.
69 (b) Subsection [~~(3)~~] (2)(a) does not apply if the statute of limitations on a crime has run
70 as of May 5, 2003, and no charges have been filed.
71 [~~(4)~~] (3) If the statute of limitations would have run but for the provisions of Subsection
72 [~~(3)~~] (2) and identification of a perpetrator is made through DNA, a prosecution shall be
73 commenced within one year of the discovery of the identity of the perpetrator.
74 [~~(5)~~] (4) A prosecution is commenced upon the finding and filing of an indictment by a
75 grand jury or upon the filing of a complaint or information.
76 Section 3. **Repealer.**
77 This bill repeals:
78 Section **76-1-303.5, Sexual offense against a child.**