

1                                   **STATUTE OF LIMITATIONS AMENDMENTS**

2   2019 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Patrice M. Arent**

5   Senate Sponsor: Todd Weiler

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7 **LONG TITLE**

8 **General Description:**

9                   This bill amends the statute of limitations for criminal offenses.

10 **Highlighted Provisions:**

11                   This bill:

12                   ▶ increases the statute of limitations for a criminal offense when the identification of a  
13 perpetrator is made through DNA.

14 **Money Appropriated in this Bill:**

15                   None

16 **Other Special Clauses:**

17                   None

18 **Utah Code Sections Affected:**

19 AMENDS:

20                   **76-1-302**, as last amended by Laws of Utah 2011, Chapter 320

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

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

24                   **76-1-302. Time limitations for prosecution of offenses -- Provisions if DNA**  
25 **evidence would identify the defendant -- Commencement of prosecution.**

26                   (1) Except as otherwise provided, a prosecution for:

27                   (a) a felony or negligent homicide shall be commenced within four years after it is  
28 committed, except that prosecution for:

29                   (i) forcible sexual abuse shall be commenced within eight years after the offense is

30 committed, if within four years after its commission the offense is reported to a law  
31 enforcement agency; and

32 (ii) incest shall be commenced within eight years after the offense is committed, if  
33 within four years after its commission the offense is reported to a law enforcement agency;

34 (b) a misdemeanor other than negligent homicide shall be commenced within two years  
35 after it is committed; and

36 (c) any infraction shall be commenced within one year after it is committed.

37 (2) (a) Notwithstanding Subsection (1), prosecution for the offenses listed in  
38 Subsections 76-3-203.5(1)(c)(i)(A) through (BB) may be commenced at any time if the identity  
39 of the person who committed the crime is unknown but DNA evidence is collected that would  
40 identify the person at a later date.

41 (b) Subsection (2)(a) does not apply if the statute of limitations on a crime has run as of  
42 May 5, 2003, and no charges have been filed.

43 (3) If the statute of limitations would have run but for the provisions of Subsection (2)  
44 and identification of a perpetrator is made through DNA, a prosecution shall be commenced  
45 within [~~one year of the discovery of~~] four years of confirmation of the identity of the  
46 perpetrator.

47 (4) A prosecution is commenced upon:

48 (a) the finding and filing of an indictment by a grand jury;

49 (b) the filing of a complaint or information; or

50 (c) the issuance of a citation.