

**DNA EVIDENCE - REMOVING STATUTE OF  
LIMITATIONS**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Lyle W. Hillyard**

**This act modifies the Criminal Code, removing the statute of limitations on violent felonies when DNA evidence has been collected that can be used to identify the perpetrator.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**76-1-302**, as last amended by Chapter 5, Laws of Utah 1990

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

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

**76-1-302. Time limitations for prosecution of offenses -- Commencement of prosecution.**

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

(a) a felony or negligent homicide shall be commenced within four years after it is committed;

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

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

(2) A prosecution for any violent felony defined in Section 76-3-203.5 may be commenced at any time if the identity of the perpetrator is unknown but DNA evidence is collected that would identify the perpetrator at a later date.

~~(3)~~ (3) A prosecution is commenced upon the finding and filing of an indictment by a grand jury or upon the filing of a complaint or information.



**Legislative Review Note**  
**as of 1-24-02 10:42 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**