

1 **DNA - AMENDMENT REGARDING WARRANTS**

2 2003 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Lyle W. Hillyard**

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

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

9 AMENDS:

10 **76-1-302**, as last amended by Chapter 5, Laws of Utah 1990

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

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

13 **76-1-302. Time limitations for prosecution of offenses -- Provisions if DNA**
14 **evidence would identify the defendant -- Commencement of prosecution.**

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

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

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

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

21 (2) (a) A prosecution for the offenses listed in Subsections 76-3-203.5(1)(c)(i)(A)
22 through (P) may be commenced at any time if the identity of the person who committed the
23 crime is unknown but DNA evidence is collected that would identify the person at a later date.

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

26 (3) If the statute of limitations would have run but for the provisions of Subsection (2)
27 and identification of a perpetrator is made through DNA, a prosecution shall be commenced



28 within one year of the discovery of the identity of the perpetrator.

29 ~~(2)~~ (4) A prosecution is commenced upon the finding and filing of an indictment by a
30 grand jury or upon the filing of a complaint or information.

Legislative Review Note
as of 1-20-03 3:23 PM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0116

DNA - Amendment Regarding Warrants

30-Jan-03

3:15 PM

AMENDED NOTE

State Impact

This could result in additional persons being sent to prison that may not have gone under current law because the statute of limitations had run out. It is estimated that the number would be minimal.

Individual and Business Impact

Individuals sentenced to prison under the provisions of this bill may have their ability to earn personal income significantly reduced.

Office of the Legislative Fiscal Analyst