

Senator Ed Mayne proposes the following substitute bill:

INCREASE STATUTE OF LIMITATIONS ON

RAPE

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Ed Mayne

LONG TITLE

General Description:

This bill amends the Criminal Code statute of limitations to allow prosecution for rape and other listed sexual offenses within eight years after the offense is committed under specified circumstances.

Highlighted Provisions:

This bill:

- ▶ increases the statute of limitations for rape, object rape, forcible sodomy, forcible sexual abuse, and aggravated sexual assault from four years to eight years if the offense is reported to law enforcement within four years after the offense is committed.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-1-302, as last amended by Chapter 61, Laws of Utah 2003



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

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

28 **76-1-302. Time limitations for prosecution of offenses -- Provisions if DNA**
 29 **evidence would identify the defendant -- Commencement of prosecution.**

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

31 (a) a felony or negligent homicide shall be commenced within four years after it is
 32 committed[;], except that prosecution for the offenses under Subsection (2) shall be
 33 commenced ~~H→~~ [;:

34 ~~——(i) ←H~~ within eight years after the offense is committed, if within four years after its
 35 commission the offense is reported to a law enforcement agency ~~H→~~ [; or

36 ~~——(ii) at a later date if DNA evidence allows prosecution to be commenced under~~
 37 ~~Subsection (3)] ←H~~ ;

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

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

41 (2) Offenses referred to in Subsection (1) are:

42 (a) rape under Section 76-5-402;

43 (b) object rape under Section 76-5-402.2;

44 (c) forcible sodomy under Subsection 76-5-403(2);

45 (d) forcible sexual abuse under Section 76-5-404; and

46 (e) aggravated sexual assault under Section 76-5-405.

47 ~~[(2)]~~ (3) (a) ~~H→~~ **[A] Notwithstanding Subsection (1), ←H** prosecution for the offenses
 47a listed in Subsections 76-3-203.5(1)(c)(i)(A)

48 through (P) may be commenced at any time if the identity of the person who committed the
 49 crime is unknown but DNA evidence is collected that would identify the person at a later date.

50 (b) Subsection ~~[(2)]~~ (3)(a) does not apply if the statute of limitations on a crime has run
 51 as of May 5, 2003, and no charges have been filed.

52 ~~[(3)]~~ (4) If the statute of limitations would have run but for the provisions of
 53 Subsection ~~[(2)]~~ (3) and identification of a perpetrator is made through DNA, a prosecution
 54 shall be commenced within one year of the discovery of the identity of the perpetrator.

55 ~~[(4)]~~ (5) A prosecution is commenced upon the finding and filing of an indictment by a
 56 grand jury or upon the filing of a complaint or information.

State Impact

Provisions of this bill could increase the number of cases prosecuted and the number of persons convicted of felonies. It is estimated that any additional workload created by this bill could be absorbed within existing budgets.

Individual and Business Impact

Some persons could be convicted of crimes for which they might not have received penalties under current law. Under the provisions of this bill, a person could spend more time incarcerated reducing their ability to generate personal income.
