

**INCREASE STATUTE OF LIMITATIONS ON
RAPE**

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ed Mayne

House Sponsor: David Litvack

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

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 -- Provisions if DNA

evidence would identify the defendant -- 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~~;~~, except that prosecution for the offenses under Subsection (2) shall be commenced within eight years after the offense is committed, if within four years after its commission the offense is reported to a law enforcement agency;

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

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

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

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

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

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

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

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

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

~~[(4)]~~ (5) 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.