

1                                   **INCREASE STATUTE OF LIMITATIONS ON**  
2   **RAPE**

3   2005 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: Ed Mayne**

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7 **LONG TITLE**

8 **General Description:**

9                   This bill amends the Criminal Code statute of limitations to allow prosecution for rape  
10 and other specified sexual offenses within 12 years after the offense is committed.

11 **Highlighted Provisions:**

12                   This bill:

13                   ▶ increases the statute of limitations for rape, object rape, forcible sodomy, forcible  
14 sexual abuse, and aggravated sexual assault from four years to 12 years.

15 **Monies Appropriated in this Bill:**

16                   None

17 **Other Special Clauses:**

18                   None

19 **Utah Code Sections Affected:**

20 AMENDS:

21                   **76-1-302**, as last amended by Chapter 61, Laws of Utah 2003

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

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

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

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



28 (a) a felony or negligent homicide shall be commenced within four years after it is  
29 committed[;], except that prosecution for the following offenses shall be commenced within 12  
30 years after the offense is committed:

- 31 (i) rape under Section 76-5-402;
- 32 (ii) object rape under Section 76-5-402.2;
- 33 (iii) forcible sodomy under Subsection 76-5-403(2);
- 34 (iv) forcible sexual abuse under Section 76-5-404; and
- 35 (v) aggravated sexual assault under Section 76-5-405;

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

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

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

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

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

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

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**Legislative Review Note**  
**as of 1-31-05 8:11 AM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

**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.

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**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.

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