

**Representative Carl Wimmer** proposes the following substitute bill:

**CRIMINAL STATUTE OF LIMITATIONS**

**AMENDMENTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carl Wimmer**

Senate Sponsor: Margaret Dayton

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**LONG TITLE**

**General Description:**

This bill removes the statutes of limitations for prosecution of all first degree felony sex offenses.

**Highlighted Provisions:**

This bill:

► provides that prosecution of a person for any first degree felony sex offense may be commenced at any time.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-1-301**, as last amended by Chapter 208, Laws of Utah 2002

**76-1-302**, as last amended by Chapters 59 and 270, Laws of Utah 2005

REPEALS:

**76-1-303.5**, as last amended by Chapter 137, Laws of Utah 1996



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

Section 1. Section **76-1-301** is amended to read:

**76-1-301. Offenses for which prosecution may be commenced at any time.**

~~[A]~~ Notwithstanding any other provisions of this code, prosecution for [a] the following offenses may be commenced at any time:

- (1) capital felony[;];
- (2) aggravated murder[;];
- (3) murder[;];
- (4) manslaughter[;];
- (5) child abuse homicide which is a second degree felony[;];
- (6) aggravated kidnapping[~~-or~~];
- (7) child kidnapping [~~may be commenced at any time.~~]; or
- (8) rape;
- (9) rape of a child;
- (10) object rape;
- (11) object rape of a child;
- (12) forcible sodomy;
- (13) sexual abuse of a child;
- (14) aggravated sexual abuse of a child; or
- (15) aggravated sexual assault.

Section 2. 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)]~~ forcible sexual abuse 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

57 (c) any infraction shall be commenced within one year after it is committed.  
58 [~~(2) Offenses referred to in Subsection (1) are:~~]  
59 [~~(a) rape under Section 76-5-402;~~]  
60 [~~(b) object rape under Section 76-5-402.2;~~]  
61 [~~(c) forcible sodomy under Subsection 76-5-403(2);~~]  
62 [~~(d) forcible sexual abuse under Section 76-5-404; and~~]  
63 [~~(e) aggravated sexual assault under Section 76-5-405.~~]

64 [~~(3)~~] (2) (a) Notwithstanding Subsection (1), prosecution for the offenses listed in  
65 Subsections 76-3-203.5(1)(c)(i)(A) through (AA) may be commenced at any time if the identity  
66 of the person who committed the crime is unknown but DNA evidence is collected that would  
67 identify the person at a later date.

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

70 [~~(4)~~] (3) If the statute of limitations would have run but for the provisions of  
71 Subsection [~~(3)~~] (2) and identification of a perpetrator is made through DNA, a prosecution  
72 shall be commenced within one year of the discovery of the identity of the perpetrator.

73 [~~(5)~~] (4) A prosecution is commenced upon the finding and filing of an indictment by a  
74 grand jury or upon the filing of a complaint or information.

75 Section 3. **Repealer.**

76 This bill repeals:

77 Section **76-1-303.5, Sexual offense against a child.**

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**H.B. 189 1st Sub. (Buff) - Criminal Statute of Limitations Amendments**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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