

CRIMINAL STATUTE OF LIMITATIONS

AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl Wimmer

Senate Sponsor: Margaret Dayton

LONG TITLE

Committee Note:

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

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 Laws of Utah 2002, Chapter 208

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

REPEALS:

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



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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.~~];
- (8) rape;
- (9) rape of a child;
- (10) object rape;
- (11) object rape of a child;
- (12) forcible sodomy;

Œ→ (13) sodomy on a child; ←Œ

- Œ→ [~~(13)~~] (14) ←Œ sexual abuse of a child;**
- Œ→ [~~(14)~~] (15) ←Œ aggravated sexual abuse of a child; or**
- Œ→ [~~(15)~~] (16) ←Œ 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

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

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

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

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

75 [~~(5)~~] (4) A prosecution is commenced upon the finding and filing of an indictment by a
 76 grand jury or upon the filing of a complaint or information.

77 Section 3. **Repealer.**

78 This bill repeals:

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

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Fiscal Note

2008 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
