

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Section 1 amends Section 30-1-8 entitled “Time Limitations for Commencing Prosecution” of the Criminal Code.

Subsection H is added to provide that for a crime against a minor pursuant to Section 30-9-11 [criminal sexual penetration], the prosecution may commence at any time until the alleged victim turns 35 years old. The subsection is not to apply to violent first degree felonies or to crimes under Section 30-9-11(G)(1) [“Criminal sexual penetration in the fourth degree consists of all criminal sexual penetration: not defined in Subsections D through F of this section perpetrated on a child thirteen to sixteen years of age when the perpetrator is at least eighteen years of age and is at least four years older than the child and not the spouse of that child;”]

Section 2 amends Section 30-1-9-1 entitled “Offenses against Children – Tolling of Statute of Limitations.”

This statute tolls the statute of limitations for alleged violations of Section 30-6-1 [abandonment or abuse of a child], Section 30-9-11 [criminal sexual penetration] or Section 30-9-13 [criminal sexual contact] until the victim turns 18 years of age or the violation is reported to law enforcement, whichever occurs first.

The bill amends this statute to include Section 30-9-11(G)(1) to the list of crimes to which this tolling provision applies.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

This bill could increase the number of prosecutions for criminal sexual penetration of a minor, given the increased window to bring such prosecutions.

SIGNIFICANT ISSUES

This bill greatly increases the statute of limitations for criminal sexual penetration crimes against minors; until the victim turns 35 years old. Many cases of childhood sexual abuse are not immediately reported for a variety of different reasons and delayed disclosure is common in such cases.

The two sections of the bill seem to conflict, however. Section 1 provides for a lengthened statute of limitations for Section 30-9-11, but Section 2 still retains the shortened statute of (1)

until the victim turns 18 or (2) the violation is reported to law enforcement for Section 30-9-11. To make it consistent, the reference to Section 30-9-11 should be deleted from Section 2.

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 73 seeks to eliminate the statute of limitations for civil actions for damages arising from childhood sexual abuse.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

n/a

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

n/a