

Statute of Limitations Legislation (DNA related)

(As of December 2001)

ST	Bill #	Sponsor	Summary	Status
AR	HB 1423	Hutchinson	Extends the period of limitation for rape.	ENACTED
AZ	HB 2550	Gullett	Eliminates any time limitation for the commencement of prosecution for any class 2 felony sexual offenses, class 2 felony sexual exploitation of children offenses and for crimes charged as violent sexual assaults	ENACTED
AZ	SB 1488	Burns	Provides that prosecution may be commenced at any time for sexual exploitation of a minor or other specified sexual offenses	ENACTED
CO	HB 1344	Rhodes	Removes the limitation period of 10 years and imposes no limit on the period of time in which to bring a criminal prosecution for most sexual assault crimes, aggravated incest, or related inchoate offenses under certain circumstances.	ENACTED
DE	SB 152	Venables	Eliminates the statute of limitations when the name of the defendant is unknown but the DNA profile is known.	ENACTED
ID	HB 248	Judiciary, Rules And Administration	Amends existing law to provide the time for commencement of prosecution for sexual assault extends to one year after identification of a suspect through DNA testing.	Died in Committee
IN	HB 1718	Espich	Rape prosecutions and DNA evidence. Allows a prosecution for rape as a Class B felony to be commenced within ten years after the commission of the offense instead of within five years after the commission of the offense. Allows a prosecution for rape as a Class B felony to be commenced at any time if DNA evidence that is relevant to the offense becomes available more than ten years after the commission of the offense. (Current law allows a prosecution for rape as a Class A felony to be commenced at any time.)	See SB 80
IN	SB 80	Alexa	Allows a prosecution for a Class B or Class C felony that would otherwise be barred by the statute of limitations to be commenced within one year of the date that the offender is first identified with DNA evidence. Allows a prosecution to be brought before July 1, 2002 if the offender was first identified with DNA evidence after the date on which prosecution was barred by the statute of limitations and before July 1, 2001.	ENACTED
KS	SB 263	Adkins	AN ACT concerning crimes, criminal procedure and punishment; relating to collection of DNA specimens; limitation of actions; testing; relating to the deduction of time spent in confinement; relating to fingerprinting of alleged juvenile offenders;	ENACTED
KS	SB 303	Judiciary	Extends the statute of limitations for certain crimes.	See SB 263
MA	SB 910	Jacques	Legislation to amend the statute of limitations for certain crimes involving DNA evidence.	Study Ordered
MI	SB 1	Johnson	Criminal procedure; statute of limitations; statute of limitations for certain cases of criminal sexual conduct in which DNA evidence was obtained; eliminate.	ENACTED
MI	SB 16	Byrum	Allows indictments of unknown person based on DNA profiles.	Died in Committee

MI	SB 355	Van Regenmorter	Extends statute of limitations for certain violations of certain crimes if DNA evidence is available	See SB 1
NJ	AB 2658	Holzapfel	Eliminates the statute of limitations for any crime in which DNA evidence is available and the identity of the criminal is unknown.	See SB 1516
NJ	SB 2347	Bucco	Eliminates statute of limitations for prosecuting criminal sexual contact and endangering the welfare of child if DNA identity available.	See SB 1516
NJ	SB 1516	Kosco	Removes time limitation on prosecuting offenses when DNA evidence is available.	ENACTED
NV	AB 54	Anderson	Extends the statute of limitations for kidnapping, attempted murder or certain aggravated stalking offenses if DNA evidence is available.	ENACTED
NY	AB 627	Lentol	The statute of limitations is tolled for the period that, following the commission of the offense, the correct identity of the defendant was continuously unknown and continuously unascertainable, if certain requirements are met: the offense must have been reported to a law enforcement agency within 30 days of commission of offense; and following the commission of the offense, the identity of the defendant is established to a reasonable degree of scientific certainty by means of a forensic DNA test performed on specified evidence containing DNA which was secured at the time of the commission of the offense.	Died in Committee
NY	AB 2748	Boyle	A person may be prosecuted for certain sex offenses at any time; provides that sex offenses are those constituting designated offenses under the forensic science/DNA index provisions of the executive law.	Hearing held 4/3
NY	AB 4205	Silver	Permits indictments to be filed by fictitious name where a person's name is unknown but whose identity is established to the satisfaction of a grand jury through the use of DNA evidence; establishes an assistance to police and crime laboratories: DNA evidence fund; and establishes an innocence project program to provide assistance to defendants who are innocent of the charge or charges of which they have been convicted.	Passed Policy Committee
NY	SB 405	Skelos	Permits indictments to be filed by fictitious name where a person's name is unknown but whose identity is established to the satisfaction of a grand jury through the use of DNA evidence; establishes an assistance to police and crime laboratories: DNA evidence fund; and establishes an innocence project program to provide assistance to defendants who are innocent of the charge or charges of which they have been convicted.	Died in Committee

NY	SB 2066	Balboni	The statute of limitations is tolled for the period that, following the commission of the offense, the correct identity of the defendant was continuously unknown and continuously unascertainable, if certain requirements are met: the offense must have been reported to a law enforcement agency within 30 days of commission of offense; and following the commission of the offense, the identity of the defendant is established to a reasonable degree of scientific certainty by means of a forensic DNA test performed on specified evidence containing DNA which was secured at the time of the commission of the offense.	Died in Committee
OR	HB 2359	Joint Interim Judiciary Committee	Creates new period of limitations for felonies and misdemeanors. Eliminates period of limitation for felonies when human biological specimen containing DNA is collected from crime scene or victim and specimen is maintained by law enforcement agency.	Died in Committee
OR	HB 2663	Dale Penn, Marion County District Attorney	Extends statute of limitations for rape and sodomy in first and second degrees in specified circumstances. Provides that statute of limitations is extended from six years to 12 years after commission of crime if defendant is identified on basis of DNA evidence after statute of limitations has otherwise run out.	ENACTED
PA	SB 415	Greenleaf	Extends the period of limitation in certain offenses when DNA evidence establishes the identity of a defendant.	Passed Senate
TX	HB 656	Goolsby	Relating to the statute of limitations for purposes of prosecuting certain felony sex offenses.	ENACTED
WI	AB 144	Finance	Budget bill – contains policy language extending the statute of limitations when DNA evidence is available.	See AB 291
WI	AB 291	Walker	Creates an exception to the time limits for prosecuting the crimes of sexual assault, sexual assault of a child, and repeated sexual assault of the same child in certain circumstances if the state has DNA evidence related to the crime. If the state collects and analyzes DNA evidence related to the crime before the time limit for prosecution expires and does not link the DNA evidence to an identified person until after the time limit expires, the state may initiate prosecution for the crime within one year of matching the DNA evidence to a known person.	See AB 291
WI	SB 55	Finance	Budget bill – contains policy language extending the statute of limitations when DNA evidence is available.	ENACTED