



# House of Representatives

General Assembly

**File No. 565**

January Session, 2001

Substitute House Bill No. 5654

*House of Representatives, May 2, 2001*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE STATUTE OF LIMITATIONS ON THE PROSECUTION OF OFFENSES INVOLVING THE SEXUAL ASSAULT OF A MINOR.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-193 of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 (a) There shall be no limitation of time within which a person may  
4 be prosecuted for a capital felony, a class A felony, [or] a violation of  
5 section 53a-54d or 53a-169, a violation of section 53a-70, 53a-70a, 53a-  
6 70b, 53a-71, 53a-72a or 53a-72b where the victim of such violation is a  
7 person under eighteen years of age, a violation of section 53-21 of the  
8 general statutes involving sexual contact committed prior to October 1,  
9 1995, a violation of subdivision (2) of section 53-21 of the general  
10 statutes committed on or after October 1, 1995, and prior to October 1,  
11 2000, or a violation of subdivision (2) of subsection (a) of section 53-21  
12 committed on or after October 1, 2000.

13 (b) No person may be prosecuted for any offense, except [a capital  
14 felony, a class A felony or a violation of section 53a-54d or 53a-169] an  
15 offense specified in subsection (a) of this section, for which the  
16 punishment is or may be imprisonment in excess of one year, except  
17 within five years next after the offense has been committed. No person  
18 may be prosecuted for any other offense, except [a capital felony, a  
19 class A felony or a violation of section 53a-54d or 53a-169] an offense  
20 specified in subsection (a) of this section, except within one year next  
21 after the offense has been committed.

22 (c) If the person against whom an indictment, information or  
23 complaint for any of said offenses is brought has fled from and resided  
24 out of this state during the period so limited, it may be brought against  
25 such person at any time within such period, during which such person  
26 resides in this state, after the commission of the offense.

27 (d) When any suit, indictment, information or complaint for any  
28 crime may be brought within any other time than is limited by this  
29 section, it shall be brought within such time.

30 Sec. 2. Section 54-193b of the general statutes is repealed and the  
31 following is substituted in lieu thereof:

32 Notwithstanding the provisions of [sections 54-193 and 54-193a]  
33 section 54-193, as amended by this act, a person may be prosecuted for  
34 a violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-  
35 72b, except a violation where the victim is a person under eighteen  
36 years of age, not later than twenty years from the date of the  
37 commission of the offense, provided (1) the victim notified any police  
38 officer or state's attorney acting in such police officer's or state's  
39 attorney's official capacity of the commission of the offense not later  
40 than five years after the commission of the offense, and (2) the identity  
41 of the person who allegedly committed the offense has been  
42 established through a DNA (deoxyribonucleic acid) profile comparison  
43 using evidence collected at the time of the commission of the offense.

44      Sec. 3. Section 54-193a of the general statutes is repealed.

45      Sec. 4. This act shall take effect from its passage and shall be  
46      applicable to any offense committed prior to, on or after said date.

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Significant Cost<sup>1</sup>, Potential Minimal Revenue Gain

**Affected Agencies:** Various Criminal Justice Agencies

**Municipal Impact:** None

**Explanation**

**State Impact:**

The bill results in a significant cost to criminal justice agencies by eliminating the statute of limitations on various sexual assault crimes when the victim is under 18 years old and for risk of injury to a child under 16 years old involving sexual contact. The number of cases that could qualify under the bill is unknown but due to the length of sentences that can occur, even a small number of convictions could result in significant cost to the state. See the following Table for a list of the penalties for these crimes. Little revenue from fines is collected by the state for sexual assault crimes, therefore only a minimal revenue gain, if any, is anticipated as a result of the bill.

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<sup>1</sup> OFA defines significant as exceeding \$100,000.

<b>CGS #</b>	<b>CGS Name</b>	<b>Imprisonment</b>	<b>Fine</b>
53-21	Risk of Injury - Child	1 to 10 years	up to \$10,000
53a-70	Sex. Assault - 1st	2 to 20 years <sup>2</sup>	up to \$15,000
53a-70	Sex. Assault - 1st (Victim under 10)	10 to 20 years	up to \$15,000
53a-70a	Sex. Assault - 1st (Aggravated)	5 to 20 years <sup>3</sup>	up to \$15,000
53a-70b	Sex. Assault - Spouse/Cohab.	1 to 20 years	up to \$15,000
53a-71	Sex. Assault - 2nd	9 mo. to 10 years	up to \$10,000
53a-72a	Sex. Assault - 3rd	1 to 5 years	up to \$5,000
53a-72b	Sex. Assault - 3rd w/Firearm	2 to 5 years <sup>4</sup>	up to \$5,000

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<sup>2</sup> Imprisonment and special parole must total 10 years.

<sup>3</sup> Imprisonment and special parole must total 20 years.

<sup>4</sup> Imprisonment and special parole must total 10 years.

**OLR BILL ANALYSIS**

sHB 5654

***AN ACT EXTENDING THE STATUTE OF LIMITATIONS ON THE PROSECUTION OF OFFENSES INVOLVING THE SEXUAL ABUSE OF A MINOR.*****SUMMARY:**

This bill eliminates the statute of limitations for (1) the six most serious sexual assault crimes when the victim is a person under age 18 and (2) risk of injury of a child under age 16 involving sexual contact; thus allowing someone to be prosecuted for these offenses at any time. The bill applies retroactively to include these crimes committed before its effective date.

Under current law, the statute of limitations for first-, second-, and third-degree sexual assault; aggravated sexual assault; sexual assault in a spousal or cohabitating relationship; and third-degree sexual assault with a firearm depend upon the circumstances. A person may be prosecuted up to 20 years from the date the offense was committed if the victim notified the police or a prosecutor of the offense within five years of its commission and the perpetrator is identified by DNA analysis. Otherwise the statute of limitations is the same as that for risk of injury involving sexual contact, which is the earlier of two years after the victim reaches age 18 or up to 5 years of the date he notifies the police or a prosecutor of the crime. However, neither of these dates can be less than 5 years.

EFFECTIVE DATE: Upon passage

**CRIMES COVERED BY THE BILL*****Sexual Assault Crimes***

The bill eliminates the statute of limitations for the following sexual assault crimes committed against a person under age 18:

1. first-degree sexual assault (class B felony), which involves having sexual intercourse by force or threat of force or with a victim under age 13, or committing second-degree sexual assault with the help of other people;
2. aggravated first-degree sexual assault (class B felony), which involves committing first-degree sexual assault and (a) being armed with a deadly weapon, (b) disfiguring or injuring the victim, (c) creating a risk of death and injuring the victim, or (d) using the assistance of others;
3. sexual assault in a spousal or cohabiting relationship (class B felony), which involves compelling a spouse or cohabitor to have sexual intercourse by force or threat of force;
4. second-degree sexual assault (class C felony), which involves having sexual intercourse with a victim who is underage or physically or mentally cannot give meaningful consent, or when the offender is in a position of power or authority over the victim;
5. third-degree sexual assault (class D felony), which involves having sexual contact by force or threat of force or having sexual intercourse with a relative (incest); and
6. third-degree sexual assault with a firearm (class D felony), which consists of using or threatening to use a firearm while committing third-degree sexual assault.

### ***Risk of Injury***

The bill eliminates the statute of limitations for risk of injury involving sexual contact with a minor under age 16 (class C felony). A person commits this crime when he has contact with the child's genital area, groin, anus, inner thighs, buttocks, or breasts or causes the child to have contact with the same areas of his (the perpetrator's) body.

## **BACKGROUND**

### ***Crimes With No Statute of Limitations***

The crimes that have no statute of limitations are (1) capital felony; (2) arson murder; (3) first-degree escape; and (4) class A felonies, which are murder, felony murder, first-degree kidnapping with and without a firearm, first-degree arson, and employing a minor in an obscene performance.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 31    Nay 7