STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

Leonard C. Boyle
Commissioner

Andrew R. Crumbie, Esq.
Executive Assistant

Rep. Michael P. Lawlor, Co-Chairman
Sen. Andrew J. McDonald, Co-Chairman
Judiciary Committee
Legislative Office Building
Hartford, CT 06106

February 23, 2007

HB 7085 AAC THE STATUTE OF LIMITATIONS FOR PROSECUTION OF CERTAIN SEXUAL ASSAULT OFFENSES USING DNA EVIDENCE

The Department of Public Safety supports this bill.

This proposal would eliminate the statute of limitations for sexual assault offenses when DNA evidence has been collected at the time of commission of the offense. CGS 54-193b currently provides a statute of limitations of 20 years in certain specific circumstances:

> **Sec. 54-193b. Limitation of prosecution for sexual assault offenses when DNA evidence available.** Notwithstanding the provisions of sections 54-193 and 54-193a, a person may be prosecuted for a violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b not later than twenty years from the date of the commission of the offense, provided (1) the victim notified any police officer or state's attorney acting in such police officer's or state's attorney's official capacity of the commission of the offense not later than five years after the commission of the offense, and (2) the identity of the person who allegedly committed the offense has been established through a DNA (deoxyribonucleic acid) profile comparison using evidence collected at the time of the commission of the offense.

This bill would keep in place all of the qualifying language of the statute and eliminate the statute of limitations entirely. There is no public policy reason for preventing prosecution when DNA evidence can prove the crime. A number of other states have

1111 Country Club Road Middletown, CT 06457
Phone: (860) 685-8000 Fax: (860) 685-8354
An Equal Opportunity Employer

passed legislation eliminating the statute of limitations in sexual assault cases with DNA identification.

The DNA databank at the state laboratory currently has 6 "hits" (samples that have been positively identified as identical to DNA collected at time of commission of crime) in sexual assaults where the cases cannot be prosecuted because the statute of limitations has run. These numbers will only increase as time goes by, and the number of felons having their DNA samples entered into the data bank increases. A DNA sample is taken of convicted felons being released from Connecticut Correctional Facilities. If those samples match an unsolved sexual assault that occurred over 20 years ago, they cannot be prosecuted.

Currently an unknown offender in New Haven has been tied to 13 other sexual assaults in Virginia and Maryland based on DNA evidence. If this serial rapist is caught in another state and the 20 year statute of limitations on the New Haven case has run, he will go unpunished for that crime, when the best possible evidence to prove his guilt remains available.

Connecticut has no statute of limitations for capitol felonies or Class A felonies. There remains in place, however, a statute of limitation even for aggravated sexual assault on a person over 16, which is a B felony.

There is no time limit on DNA evidence and new technology and improvements in DNA methods continue to increase the ability of law enforcement to identify potential linkage to other crimes. The time has come to eliminate the statute of limitation entirely for sexual assaults where the existing statutory qualifiers of CGS 54-193b are present.

Sincerely,

Leonard C. Boyle
COMMISSIONER
Department of Public Safety