State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of
Deborah Del Prete Sullivan, Legal Counsel, Director
Office of Chief Public Defender

H.B. 5246, An Act Eliminating the Statute of Limitations in the Case of Sexual Assault
and
S.B. 238, An Act Concerning the Extension of the Statute of Limitations for the Prosecution of Sexual Assault

Judiciary Committee Public Hearing
March 16, 2018

The Office of Chief Public Defender is opposed to ***H.B. 5246, An Act Eliminating the Statute of Limitations in the Case of Sexual Assault*** and ***S.B. 238, An Act Concerning the Extension of the Statute of Limitations for the Prosecution of Sexual Assault***. Consistent with its position in the past, the Office of Chief Public Defender would urge this committee not to take action on either bill. ***House Bill 7085*** would eliminate the statute of limitations altogether for the offenses of C.G.S. *§53a-70, Sexual Assault in the first degree, Class B or A felony; C.G.S. §53a-70a, Aggravated Sexual assault in the first degree, Class B or A felony; C.G.S. §53a-70b, Sexual assault in spousal or cohabiting relationship, Class B felony; C.G.S. §53a-71, Sexual Assault in the second degree, Class C or B felony; C.G.S. §53a-72a, Sexual Assault in the third degree, Class D or C felony;* and, *C.G.S. §53a-72b, Sexual Assault in the third degree with a firearm, Class C or B felony and C.G.S. §53a-73a, Sexual Assault in the Fourth Degree, a class A misdemeanor.* ***Senate Bill 238*** would extend the statute of limitations to 10 years within which a person could be prosecuted for all of the above listed offenses, except *C.G.S. §53a-73a, Sexual Assault in the Fourth Degree, a class A misdemeanor.*

H.B. 5246 *An Act Eliminating the Statute of Limitations in the Case of Sexual Assault*

S.B. 238 *An Act Concerning the Extension of the Statute of Limitations for the Prosecution of Sexual Assault.*

Testimony **Deborah Del Prete Sullivan, Legal Counsel, Director**
Office of Chief Public Defender

The Office of Chief Public Defender is concerned that without a limitation period, evidence may be unable to be located, destroyed or may deteriorate. In addition, memories of witnesses fade and sometimes no longer exist. It may be difficult or impossible to locate witnesses who may have moved or have passed on. Without any finite period of time within which a prosecution can be brought, it may be impossible for an innocent person to fairly defend himself, 10, 20 or more years beyond the date of the offense.

In order to provide for the rights of the defendant to notice, due process and a fair trial, the statute of limitations should not be extended beyond the already lengthy time periods in statute. The Office of Chief Public Defender urges this committee not to support either proposal.