



# Senate

General Assembly

**File No. 797**

January Session, 2019

Substitute Senate Bill No. 913

*Senate, April 25, 2019*

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE EXTENSION OF THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF SEXUAL ASSAULT.***

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 Section 54-193 of the general statutes is repealed and the  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 (*Effective October 1, 2019, and*  
3 *applicable to any offense committed on or after October 1, 2019, and to any*  
4 *offense committed prior to October 1, 2019, for which the statute of*  
5 *limitations in effect at the time of the commission of the offense had not yet*  
6 *expired as of October 1, 2019*):

7 (a) There shall be no limitation of time within which a person may  
8 be prosecuted for (1) a capital felony under the provisions of section  
9 53a-54b in effect prior to April 25, 2012, a class A felony or a violation  
10 of section 53a-54d or 53a-169, (2) a violation of section 53a-165aa or  
11 53a-166 in which such person renders criminal assistance to another  
12 person who has committed an offense set forth in subdivision (1) of  
13 this subsection, (3) a violation of section 53a-156 committed during a  
14 proceeding that results in the conviction of another person

15 subsequently determined to be actually innocent of the offense or  
16 offenses of which such other person was convicted, or (4) a motor  
17 vehicle violation or offense that resulted in the death of another person  
18 and involved a violation of subsection (a) of section 14-224.

19 (b) No person may be prosecuted for a class B felony violation of  
20 section 53a-70 or 53a-70a or a violation of section 53a-70b, 53a-71, 53a-  
21 72a or 53a-72b for which the punishment is or may be imprisonment in  
22 excess of one year, except within ten years next after the offense has  
23 been committed.

24 [(b)] (c) No person may be prosecuted for any offense, other than an  
25 offense set forth in subsection (a) or (b) of this section, for which the  
26 punishment is or may be imprisonment in excess of one year, except  
27 within five years next after the offense has been committed.

28 [(c)] (d) No person may be prosecuted for any offense, other than an  
29 offense set forth in subsection (a), [or] (b) or (c) of this section, except  
30 within one year next after the offense has been committed.

31 [(d)] (e) If the person against whom an indictment, information or  
32 complaint for any of said offenses is brought has fled from and resided  
33 out of this state during the period so limited, it may be brought against  
34 such person at any time within such period, during which such person  
35 resides in this state, after the commission of the offense.

36 [(e)] (f) When any suit, indictment, information or complaint for any  
37 crime may be brought within any other time than is limited by this  
38 section, it shall be brought within such time.

39 Sec. 2. Subsection (c) of section 12-660 of the general statutes is  
40 repealed and the following is substituted in lieu thereof (*Effective*  
41 *October 1, 2019*):

42 (c) Notwithstanding the provisions of subsection [(b)] (c) of section  
43 54-193, as amended by this act, a person may be prosecuted for a  
44 violation of any provision of this chapter more than five years after  
45 such violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019, and applicable to any offense committed on or after October 1, 2019, and to any offense committed prior to October 1, 2019, for which the statute of limitations in effect at the time of the commission of the offense had not yet expired as of October 1, 2019</i>	54-193
Sec. 2	<i>October 1, 2019</i>	12-660(c)

**Statement of Legislative Commissioners:**

In Section 1, a typo in the effective date language was fixed.

**JUD**      *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below
Pub. Defender Serv. Com.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill extends the statute of limitation for specified felony sexual assault crimes from five years to 10 years and results in a potential cost to the Division of Public Defenders. While the majority of new cases would be assigned to state public defenders, any cases that present a conflict of interest would be assigned to outside counsel, at a cost of approximately \$7,000 per case. In addition, any cases that require offender evaluation or expert witnesses would result in a cost of approximately \$3,000 per case.

To the extent that additional offenders are convicted due to the extension of the statute of limitation, the bill results in a potential cost to the Department of Correction and Judicial Department for incarceration and probation supervision. On average, the marginal cost

to the state for incarcerating an offender for the year is \$1,800<sup>1</sup> while the average marginal cost for supervision in the community is less than \$700<sup>2</sup> each year. In addition, the increased convictions may result in revenue from fines.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of cases.

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<sup>1</sup> Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

<sup>2</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

**OLR Bill Analysis****sSB 913*****AN ACT CONCERNING THE EXTENSION OF THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF SEXUAL ASSAULT.*****SUMMARY**

This bill extends the criminal statute of limitations for certain sexual assault crimes from five years to 10 years. The bill applies to the following crimes:

1. 1<sup>st</sup> degree sexual assault and 1<sup>st</sup> degree aggravated sexual assault, in cases where the crime is a class B felony;
2. sexual assault in a spousal or cohabiting relationship;
3. 2<sup>nd</sup> degree sexual assault; and
4. 3<sup>rd</sup> degree sexual assault and 3<sup>rd</sup> degree sexual assault with a firearm.

Under existing law, unchanged by the bill:

1. in some circumstances, 1<sup>st</sup> degree sexual assault and 1<sup>st</sup> degree aggravated sexual assault are class A felonies with no statute of limitations;
2. there is no statute of limitations for any of the above crimes in specified circumstances when there is DNA evidence (see BACKGROUND);
3. in other sexual assault cases where the victim was a minor, the statute of limitations may extend as far as the victim's 48<sup>th</sup> birthday (see BACKGROUND); and
4. the statute of limitations is tolled (i.e., suspended) if the

defendant has fled the state before the statute of limitations has expired.

The bill also makes a conforming change (§ 2).

EFFECTIVE DATE: October 1, 2019, and the bill applies to (1) offenses committed on or after the date and (2) offenses committed before then if the statute of limitations in effect when the offense was committed had not expired as of October 1, 2019.

## **BACKGROUND**

### ***Cases Involving DNA Evidence***

By law, there is no statute of limitations for any of the sexual assault crimes covered by the bill if the (1) victim reports the crime to the police or a prosecutor within five years of the date it is committed and (2) alleged offender's identity is established through DNA using evidence collected at the time of the offense (CGS § 54-193b).

### ***Cases Involving Sexual Assault of a Minor***

By law, as with cases involving adult victims, there is no statute of limitations for sexual assault of a minor if (1) the crime is a class A felony or (2) there is DNA evidence for specified crimes as described above.

Otherwise, the statute of limitations for sexual assault of a minor is up to (1) the victim's 48<sup>th</sup> birthday or (2) five years from the date the victim notifies the police or a prosecutor of the crime, whichever is earlier. In cases of 2<sup>nd</sup> degree sexual assault where the victim is aged 13 to 15 years and the offender is more than three years older, the victim must have notified the police or a prosecutor of the crime within five years after it was committed (CGS § 54-193a).

### ***Related Bills***

sSB 3 (§§ 23 & 24), reported favorably by the Judiciary Committee, eliminates the statute of limitations for several sexual assault and related crimes and extends it for certain others.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 34    Nay 6    (04/10/2019)