



Permanent Commission  
on the Status of Women in Connecticut

**Testimony of Tina Courpas, Executive Director  
Permanent Commission on the Status of Women in Connecticut  
Submitted to the  
Connecticut General Assembly  
Committee on the Judiciary  
April 1, 2019**

**Support: S.B. 0003**

Senators Winfield and Kissel, and Representatives Stafstrom and Rebimbas, and distinguished members of the Judiciary Committee, thank you for your consideration of the bill listed above (the "Bill"). My name is Tina Courpas, and I am the Executive Director of the Permanent Commission on the Status of Women in Connecticut, Inc. (the "PCSW").

The PCSW is a non-profit organization formed to carry on the work of the former state agency of the same name. The PCSW was formed in 1973 and for 43 years, developed landmark legislation and research in the areas of sexual harassment, domestic violence, family medical leave, pay equity and human trafficking to improve the lives of women and girls in Connecticut. Since our founding 46 years ago, we have been and we remain a bipartisan commission with a non-partisan mandate.

We support S.B. 0003, and today will speak about the parts of the Bill related to the Statute of Limitations on Sexual Assault.

**Background**

As you know, in the state of Connecticut, we organize this area of our law into five categories: Aggravated Sexual Assault in the First Degree, Sexual Assault in the First, Second, Third and Fourth degrees, for a total of five categories. These are classified into Classes A-D felonies, and Class misdemeanors, with penalties and statutes of limitations specific to each level.

Many facts and circumstances go into the classification of sexual assault crimes into the various categories. The Office of Legislative Research summarizes our current criminal framework as follows: Class A felonies – no statute of limitations.

Classes B-D felonies – 5 years. For Class A misdemeanors – 1 year.<sup>1</sup> There are two special situations. For certain crimes in which the 1) the victim reports within 5 years, 2) DNA evidence is established, - no statute of limitations. If the victim was a minor and not otherwise covered – the earlier of the victim's 48<sup>th</sup> birthday or 5 years from the date of notification of the crime.

The aim of SB. 0003 is to address primarily the offenses at the top of this scale. It would change our framework to be the following: Class A felonies – no statute of limitations. Classes B-C felonies – no statute of limitations. Class D felonies – 25 years. Certain crimes in which the 1) the victim reports within 5 years, 2) DNA evidence is established - no statute of limitations. If the victim was a minor and not otherwise covered – no statute of limitations.

We believe that the current statutes of limitations are inappropriately set, and that SB. 0003 fixes this. Having no personal testimony, and being an organization that does not directly serve victims of these types of crimes, we will focus on three legal and comparative law considerations.

### **Context – other crimes with similar statutes of limitations**

What kinds of crimes fall into the Classes B-C felonies that this Bill is attempting to address, and to which 5-year statutes of limitations currently apply? Here are a few examples: rape of an adult where force or threat of force is used (Class B), compelling another person to sexual contact by the use of force (Class B), and forced sexual intercourse with a person who is mentally impaired and unable to consent, or physically helpless (Class B or C).<sup>2</sup> Each of these is a felony level offense and all have 5-year statutes of limitations in our current laws. We believe that these crimes, as felonies, warrant a longer time period for victims to seek redress. By way of context, here are some of the other unrelated crimes which also have 5-year statutes of limitations: theft of property worth more than \$20,000, recklessly causing destruction or damage to a building through arson; possession of a weapon at a correctional institution, rioting at a correctional institute, forgery or the intent to defraud through the use of an altered document, and certain marijuana and controlled substance tax violations<sup>3</sup>.

The length of the statute of limitations reflects in part, the seriousness that we as a state ascribe to the crime in question. We believe that the current statute on felony-related sexual assault does not reflect what we know about and has been reported today about the severity of the impact of sexual assault crimes on their victims, and the time it takes to report those. And we ask the legislative body to please consider these crimes in context.

---

<sup>1</sup> OLR, 2018-R-0248. "Statue of Limitations for Prosecutions", by James Orlando.

<sup>2</sup> CT Penal Code, Sec. 53a-70-71.

<sup>3</sup> OLR, 2018-R-0248. "Statue of Limitations for Prosecutions", by James Orlando,

**Connecticut's statutes of limitations lag well behind the national norm.**

As has been stated many times at this hearing, of the 50 US States, 25 have no statute of limitations, 20 have a statute of limitations for six or more years, and Connecticut is one of five states which have statute of limitations of five years or less for the types of crimes at which this Bill is aimed (that is, Class B-D felonies). The other states in our category are Washington and Illinois at 3 years, and Indiana and New Mexico at 5 years.<sup>4</sup>

It is true that just because other states have lengthened or eliminated their statutes of limitations, that Connecticut should also, if our state has specific characteristics that make a different solution applicable to us. But, we do not see such considerations here. Our federal system was set up from the beginning to allow states to incubate and innovate new ideas and ways of solving problems. In many cases, Connecticut has led and come up with ideas that others have followed. We believe that in this case, we are lagging behind.

**Right to bring a case, not right to win a case.**

The definition of a statute of limitations is the maximum time one can wait between the moment the crime is alleged to be committed until an action is commenced. Set by legislatures, the statutes cannot be modified by courts. The purpose of statutes of limitations is to prevent fraudulent or stale claims from arising after all evidence has been lost, the facts have become obscure through the passage of time, memories have become defective, or there has been death, aging or disappearance of witnesses.

Opponents of this Bill may say that it allows cases to be brought where the evidence contained therein may be stale, outdated, recollections fuzzy and memories more defective than under the current 5-year limit. This is true. The "older" cases brought are likely to have more stale and less compelling evidence than those recently committed.

However, each case brought under this Bill will still have to be subject to the evidentiary rules on our system of justice. Prosecutors will still have to decide which cases merit prosecution. And judges and juries will still have to decide whether the evidence presented meets the "beyond a reasonable doubt" standard of the criminal law system. This Bill does not guarantee that guilty verdicts are reached. It does not address outcomes at all. This Bill provides a right to bring a case, not a right to win a case.

---

<sup>4</sup> The ForensicNurse.com, "Rape and Sexual Assault Limitations by State."

Opponents of the Bill have also posited that it limits the rights of the accused and could result in more convictions. It is true that if more cases are brought, chances are that some of those will result in guilty verdicts. But, it does not alter the rights of the accused. Any cases that are brought still must clear our criminal justice standard and presumption of innocence. We must rely on our courts to decide whether a crime was indeed committed, whether that was five, ten, 15 or 30 years ago.

Finally, we are a state in a fiscal crisis. The Bill does not call for a new and expensive program, but it will allow potential additional cases through the Court system, and where so required, public defenders to try those cases. Those costs must be quantified in order for a sound decision to be made in passing this Bill. However, prosecutors who do not believe that the evidence so warrants will not bring the cases forward. Further, even though state resources are scarce, the ability of our citizens to have access to the judicial system for violent and violating crimes is in our opinion, a high legislative priority.

In closing, we would like to restate that S.B. 0003 is not a Bill which guaranties a guilty or innocent verdict in cases of sexual assault. We do not believe that it tips the scales of justice in favor of victims versus perpetrators. Courts must decide each case on its own merits, dispassionately and fairly. But, it is a Bill, which allows the channels of justice to be open to victims of sexual assault crimes for periods of time which are consistent with the severity and impact of those crimes.