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

Under existing law, unchanged by the bill:

1. in some circumstances, 1st degree sexual assault and 1st 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 48th 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 48th 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 2nd 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)