Bill No.: SB-913
Title: AN ACT CONCERNING THE EXTENSION OF THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF SEXUAL ASSAULT.
Vote Date: 4/10/2019
Vote Action: Joint Favorable
PH Date: 4/1/2019
File No.: 797

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SPONSORS OF BILL:
JUDICIARY COMMITTEE

REASONS FOR BILL:
The Judiciary Committee has SB3 that eliminates the statute of limitations for reporting of sexual assault. This bill is a compromise from the current 5 year statute of limitations by increasing the statute of limitations to ten years.

RESPONSE FROM ADMINISTRATION/AGENCY:
OFFICE OF CHIEF PUBLIC DEFENDER, CHRISTINE PERRA RAPILLO: Supports this bill.
This bill was previously supported by the Office of the Chief Public Defender. This is a reasonable measure that provides victims with more time to come forward while protecting the accused’s right to be able to reasonably defend themselves.

DIVISION OF CRIMINAL JUSTICE: The decision on whether to extend, or eliminate altogether, the statute of limitations is a policy question that rests with the General Assembly and the Governor. As such, the Division does not take a specific position on the bills before the Committee today. It should be made very clear that any change in the statutes of limitation will not open the door for investigation and possible prosecution for criminal acts for which the existing statute of limitations has already expired. Neither of the bills before the Committee, nor any legislation to be drafted can negate the long-established ex post facto case law. It is, however, fully within the General Assembly’s purview to extend the statute of limitations for criminal acts for which the state has not already tolled.

CONNECTICUT COMMISSION ON WOMEN, CHILDREN AND SENIORS: Supports this bill.
As many recent high profile cases of past sexual assault have illuminated, reporting sexual
assault can be delayed by so many factors, not the least of which are fear, shame and a hope that the pain of the experience will just “go away”. The fact is that the damage can last a lifetime. You will hear testimony about judicial efficiency and an opportunity for due process and a fair trial for the accused; with technology and evidence increasingly more available arbitrary statutes of limitations seem increasingly archaic. Rather than “catching up” to states like Texas, we should eliminate the statute of limitations altogether and allow victims to find justice under our law.

NATURE AND SOURCES OF SUPPORT:

CONNECTICUT CRIMINAL DEFENSE LAWYERS ASSOCIATION, JENNIFER ZITO, ESQ. VICKI H. HUTCHINSON ESQ: Support this bill. This bill would extend the general felony statute of limitations for sexual assault that does not involve minors from 5 to 10 years. While this extension would also present difficulties in the defense of such matters, it reflects a compromise that will not irrevocably undermine the ability of innocent citizens to defend against false allegations.

WOMEN’S CENTER OF GREATER DANBURY, ANN RODWELL-LAWTON, M.S.W. LEGISLATIVE LIASON: Supports this bill. Completely eliminating the criminal state of limitations will give prosecutors the time they need to bring justice. After an assault is reported, prosecutors and law enforcement need time to conduct an investigation, collect evidence, interview witnesses and build a case. There have been cases where the statute of limitations has expired before a case can be fully built, which deprives the victim a chance for justice through no fault of their own. Five years has not always been enough time to investigate and bring a case against a perpetrator, allowing some likely offenders to go free. Eliminating the statute of limitations for sexual assault would not change the burden of proof in a court case. Despite concerns about lost evidence or forgotten memories, prosecutors would not pursue sexual assault cases without enough evidence to build a viable case, as they do currently.

WOMEN AND FAMILIES CENTER, CARISSA CONWAY: Supports this bill. Connecticut has the third shortest statute of limitations in the country and the shortest overall in New England. The impacts of sexual violence can last a lifetime, but for survivors of sexual violence, the chance to seek help through our criminal justice system does not. Five years is not enough time for many survivors to come to terms with the unique experiences commonly following sexual violence: trauma, PTSD, blame, shame, and scrutiny received upon disclosing or reporting the abuse. For some, it takes time for victims to realize the sexual assault was not their fault. The trauma may not be visible but it stops time for many victims. They need time to come to terms with what happened to their bodies and their psyches.

SAFE HAVEN OF GREATER WATEBURY, HEATHER FRANCISCO ADULT ADVOCATE: Supports this bill. Through the course of my work I have worked with many survivors of sexual violence, I have worked with a majority of survivors who have known their assailant and as a result questioned the dynamics of the assault and whether or not they should report to the police. Most citing that they could “ruin someone’s life: just to hear later from another victim(s) how the offender assaulted other similarly. Imagine feeling so ashamed of what happened that you did not report only to find out you were the only one who was hurt by this person? I have not heard this scenario once or twice but over and over again people as saying “me too!” Those who once suffered alone in silence are finally speaking out and we
must be willing to listen, or risk endangering others because of a failure to allow adequate time to report. Research shows there are high rates of recidivism with sexual crimes.

SAFE HAVEN OF GREATER WATERBURY, SARAH HOLMES, COMMUNITY EDUCATOR: Supports this bill. Currently, Connecticut has one of the shortest windows for statutes of limitations in cases of sexual assault in the nation, and has the shortest statute of limitations for sexual assault crimes compared to surrounding states. 28 states have either no statute of limitations or statute of limitations for a period of 20 years or more. As a national leader in laws to protect and support survivors of sexual violence, it seems only appropriate that Connecticut should take the step to eliminate the statute of limitations for sexual assault crimes.

NATURE AND SOURCES OF OPPOSITION:
None submitted

Reported by: George Marinelli May 2, 2019