



Senate

General Assembly

File No. 533

February Session, 2022

Substitute Senate Bill No. 461

Senate, April 19, 2022

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 STATUTE OF LIMITATIONS FOR
CRIMES COMMITTED AGAINST THE ELDERLY.***

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 Section 54-193 of the general statutes is repealed and the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, 2022, and*
3 *applicable to any offense committed on or after October 1, 2022, and to any*
4 *offense committed prior to October 1, 2022, for which the statute of limitations*
5 *in effect at the time of the commission of the offense had not yet expired as of*
6 *October 1, 2022*):

7 (a) There shall be no limitation of time within which a person may be
8 prosecuted for (1) (A) 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 of
10 section 53a-54d or 53a-169, or (B) any other offense involving sexual
11 abuse, sexual exploitation or sexual assault if the victim of the offense
12 was a minor at the time of the offense, including, but not limited to, a
13 violation of subdivision (2) of subsection (a) of section 53-21, (2) a
14 violation of section 53a-165aa or 53a-166 in which such person renders

15 criminal assistance to another person who has committed an offense set
16 forth in subdivision (1) of this subsection, (3) a violation of section 53a-
17 156 committed during a proceeding that results in the conviction of
18 another person subsequently determined to be actually innocent of the
19 offense or offenses of which such other person was convicted, or (4) a
20 motor vehicle violation or offense that resulted in the death of another
21 person and involved a violation of subsection (a) of section 14-224.

22 (b) (1) Except as provided in subsection (a) or (c) of this section or
23 subdivision (2) of this subsection, no person may be prosecuted for a
24 violation of a (A) class B felony violation of section 53a-70, 53a-70a or
25 53a-70b, (B) class C felony violation of section 53a-71 or 53a-72b, or (C)
26 class D felony violation of section 53a-72a, except within twenty years
27 next after the offense has been committed.

28 (2) Except as provided in subsection (a) of this section, no person may
29 be prosecuted for any offense involving sexual abuse, sexual
30 exploitation or sexual assault of a victim if the victim was eighteen,
31 nineteen or twenty years of age at the time of the offense, except not
32 later than thirty years next after such victim attains the age of twenty-
33 one years.

34 (3) [No] Except as provided in subsection (c) of this section, no person
35 may be prosecuted for a class A misdemeanor violation of section 53a-
36 73a if the victim at the time of the offense was twenty-one years of age
37 or older, except within ten years next after the offense has been
38 committed.

39 (c) Except as provided in subsection (a) of this section or in the case
40 of an offense set forth in subsection (b) of this section for which the time
41 period for prosecution of such offense is longer under said subsection
42 (b) than under this subsection, no person may be prosecuted for an
43 offense against an elderly person except within five years next of the
44 discovery of the commission of the offense in the course of an
45 investigation of exploitation of the elderly person or the death of the
46 elderly person, whichever is sooner. For purposes of this subsection,
47 "elderly" and "exploitation" have the same meanings as provided in

48 section 17b-450.

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

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

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

61 [(f)] (g) When any suit, indictment, information or complaint for any
62 crime may be brought within any other time than is limited by this
63 section, it shall be brought within such time.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022, and applicable to any offense committed on or after October 1, 2022, and to any offense committed prior to October 1, 2022, 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, 2022</i>	54-193

JUD Joint Favorable Subst.

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 23 \$	FY 24 \$
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

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill extends the statute of limitations for crimes against the elderly and, to the extent that additional violators are prosecuted, results in a potential cost and potential revenue gain. On average, the marginal cost to the state for incarcerating an offender for the year is \$2,500¹ while the average marginal cost for supervision in the community is less than \$800² each year.

The Out Years

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

¹ 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.

² 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 461*****AN ACT CONCERNING THE STATUTE OF LIMITATIONS FOR
CRIMES COMMITTED AGAINST THE ELDERLY.*****SUMMARY**

This bill extends the criminal statute of limitations for crimes against the elderly (i.e., age 60 or older) to five years after the sooner of (1) discovery of the offense while investigating exploitation of the elderly person or (2) the elderly person's death. The bill does not apply if existing law provides a longer statute of limitations.

Under existing law, the default criminal statute of limitations is five years for felonies or one year for misdemeanors, calculated from the time the crime was allegedly committed. There is (1) a longer period for certain crimes and (2) no time limit on prosecuting someone for certain other serious crimes, such as murder, other class A felonies, and certain sexual assault crimes.

EFFECTIVE DATE: October 1, 2022, and applicable to (1) offenses committed on or after that date and (2) offenses committed earlier if the statute of limitations then in effect had not expired as of October 1, 2022.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0 (03/31/2022)