

SENATE BILL REPORT

SB 5042

As Reported By Senate Committee On:
Judiciary, February 22, 2005

Title: An act relating to tolling the statute of limitations for felonies.

Brief Description: Tolling the statute of limitations for felonies.

Sponsors: Senator McCaslin.

Brief History:

Committee Activity: Judiciary: 2/17/05, 2/22/05 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5042 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

Background: The criminal statute of limitations limits the time period during which a suspect may be charged with a crime. The time period begins at the time the crime is committed. For murder, homicide by abuse, arson that causes a death, vehicular homicide, vehicular assault if a death results, and hit-and-run when a death results, there is no time limitation and the person may be prosecuted whenever they are apprehended. There are various periods of limitation for other felonies. Gross misdemeanors may be prosecuted no more than three years after they are committed and for misdemeanors the time limitation is one year.

Summary of Substitute Bill: For all felony sex offense cases, the time period for the statute of limitations begins to run on the date the crime was committed or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later.

Substitute Bill Compared to Original Bill: The possibly extended limitations period applies only to felony sex offenses, not all felonies.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill addresses the issue of criminals who are identified long after their initial crime as a result of DNA analysis performed for subsequent crimes.

Testimony Against: The state crime laboratory will be able to effectively extend the statute of limitations by delaying their DNA analysis. While DNA evidence will be available, the defendant's ability to locate witnesses that can still remember events and to conduct other discovery will be hindered. Witnesses become unavailable and their memories fade over time.

Who Testified: PRO: Senator McCaslin, prime sponsor.

CON: Michael Hanbey, WDA and WACDL.