

Hall of the House of Representatives

87th General Assembly - Regular Session, 2009

Amendment Form

Subtitle of House Bill No. 1058

"AN ACT TO REMOVE THE STATUTE OF LIMITATIONS FOR THE OFFENSE OF RAPE."

Amendment No. 3 to House Bill No. 1058.

Amend House Bill No. 1058 as engrossed, H1/30/09 (version: 01-30-2009 09:15):

Page 1, lines 10 and 11, delete "AN ACT TO REMOVE THE STATUTE OF LIMITATIONS FOR THE OFFENSE OF RAPE; AND FOR OTHER PURPOSES." and substitute "AN ACT TO MODIFY THE STATUTE OF LIMITATIONS FOR THE OFFENSE OF RAPE WHEN IDENTIFIED GENETIC INFORMATION IS PRESENT; AND FOR OTHER PURPOSES."

AND

Page 1, lines 14 and 15, delete "AN ACT TO REMOVE THE STATUTE OF LIMITATIONS FOR THE OFFENSE OF RAPE" and substitute "AN ACT TO MODIFY THE STATUTE OF LIMITATIONS FOR THE OFFENSE OF RAPE WHEN IDENTIFIED GENETIC INFORMATION IS PRESENT."

AND

Page 1, lines 22 and 23, delete "(a) A prosecution for murder or rape, § 5-14-103, may be commenced at any time." and substitute "(a) A prosecution for murder may be commenced at any time."

AND

Page 1, line 27, delete "(1)~~(A)~~ Class Y felony or Class A felony, six (6) years;" and substitute "(1)(A) Class Y felony or Class A felony, six (6) years."

AND

Page 1, lines 28 through 32, delete "~~(B) However, for rape, § 5-14-103, the period of limitation may be extended to fifteen (15) years during which extended time a prosecution for rape may be commenced if based upon forensic deoxyribonucleic acid (DNA) testing or another test that may become available through an advance in technology;~~"

and substitute



"(B) However, for rape, § 5-14-103, ~~the period of limitation may be extended to fifteen (15) years during which extended time a prosecution for rape may be commenced if based upon forensic deoxyribonucleic acid (DNA) testing or another test that may become available through an advance in technology; the period of limitation is eliminated if biological evidence is identified that is capable of producing a deoxyribonucleic acid (DNA) profile;~~

AND

Page 3, lines 19 through 36, delete

~~"(8) Rape, § 5-14-103;
(9)(8) Sexual assault in the first degree, § 5-14-124;
(10)(9) Sexual assault in the second degree, § 5-14-125;
(11)(10) Sexual assault in the third degree, § 5-14-126;
(12)(11) Sexual assault in the fourth degree, § 5-14-127;
(13)(12) Incest, § 5-26-202;
(14)(13) Endangering the welfare of a minor in the first degree,
§ 5-27-205;
(15)(14) Permitting abuse of a minor, § 5-27-221(a)(1) and (3);
(16)(15) Engaging children in sexually explicit conduct for use
in visual or print medium, § 5-27-303;
(17)(16) Transportation of minors for prohibited sexual conduct,
§ 5-27-305;
(18)(17) Employing or consenting to the use of a child in a
sexual performance, § 5-27-402;
(19)(18) Producing, directing, or promoting a sexual performance
by a child, § 5-27-403;
(20)(19) Computer child pornography, § 5-27-603;"~~

and substitute

~~"(8) Rape, § 5-14-103;
(9) Sexual assault in the first degree, § 5-14-124;
(10) Sexual assault in the second degree, § 5-14-125;
(11) Sexual assault in the third degree, § 5-14-126;
(12) Sexual assault in the fourth degree, § 5-14-127;
(13) Incest, § 5-26-202;
(14) Endangering the welfare of a minor in the first degree, §
5-27-205;
(15) Permitting abuse of a minor, § 5-27-221(a)(1) and (3);
(16) Engaging children in sexually explicit conduct for use in
visual or print medium, § 5-27-303;
(17) Transportation of minors for prohibited sexual conduct, §
5-27-305;
(18) Employing or consenting to the use of a child in a sexual
performance, § 5-27-402;
(19) Producing, directing, or promoting a sexual performance by
a child, § 5-27-403;
(20) Computer child pornography, § 5-27-603;"~~

AND

Page 4, lines 1 through 5, delete

~~“(21)(20)~~ Computer exploitation of a child in the first degree, § 5-27-605; and

~~(22)(21)~~ Criminal attempt, criminal solicitation, or criminal conspiracy to commit any offense listed in this subsection, §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401.”

and substitute

“(21) Computer exploitation of a child in the first degree, § 5-27-605; and

(22) Criminal attempt, criminal solicitation, or criminal conspiracy to commit any offense listed in this subsection, §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401.”

AND

Page 4, lines 12 through 18, delete

"(j) When deoxyribonucleic acid (DNA) testing implicates a person previously identified through a search of the State DNA Data Base or National DNA Index System, no statute of limitation that would otherwise preclude prosecution of the offense precludes the prosecution until a period of time following the implication of the person by deoxyribonucleic acid (DNA) testing has elapsed that is equal to the otherwise applicable limitation period."

and substitute

"(j) When deoxyribonucleic acid (DNA) testing implicates a person previously identified through a search of the State DNA Data Base or National DNA Index System, ~~no a~~ statute of limitation ~~that would otherwise~~ shall not preclude prosecution of the offense ~~precludes the prosecution until a period of time following the implication of the person by deoxyribonucleic acid (DNA) testing has elapsed that is equal to the otherwise applicable limitation period.~~"

The Amendment was read _____
By: Representative D. Creekmore
BPG/BCS - 02-05-2009 09:27
BPG155

Chief Clerk