

1 S.20

2 Introduced by Senator Sears

3 Referred to Committee on Judiciary

4 Date: January 11, 2013

5 Subject: Criminal procedures; limitation of prosecutions; sex offenses against
6 children

7 Statement of purpose: This bill proposes to increase the statute of limitations
8 for certain sex offenses committed against children.

9 An act relating to increasing the statute of limitations for certain sex
10 offenses against children

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 ~~Sec. 1. 13 V.S.A. § 4501 is amended to read.~~

13 § 4501. LIMITATION OF PROSECUTIONS FOR CERTAIN CRIMES

14 (a) Prosecutions for aggravated sexual assault, aggravated sexual assault of
15 a child, human trafficking, aggravated human trafficking, murder, arson
16 causing death, and kidnapping may be commenced at any time after the
17 commission of the offense.

18 (b) Prosecutions for manslaughter, sexual assault, lewd and lascivious
19 conduct, sexual exploitation of children, sexual abuse of a vulnerable adult,
20 ~~grand larceny, robbery, burglary, embezzlement, forgery, bribery offenses,~~

1 ~~false claims, fraud under 33 V.S.A. § 141(d), and felony tax offenses shall be~~
2 commenced within six years after the commission of the offense, and not after.

3 (c) Prosecutions for sexual assault, lewd and lascivious conduct, sexual
4 exploitation of a minor as defined in subsection 3258(b) of this title, and lewd
5 or lascivious conduct with a child, alleged to have been committed against a
6 child under 18 years of age shall be commenced ~~within the earlier of the date~~
7 ~~the victim attains the age of 24 or 10 years from the date the offense is~~
8 ~~reported, and not after. For purposes of this subsection, an offense is reported~~
9 ~~when a report of the conduct constituting the offense is made to a law~~
10 ~~enforcement officer by the victim before the victim attains the age of 40.~~

11 (d) Prosecutions for arson shall be commenced within 11 years after the
12 commission of the offense, and not after.

13 (e) Prosecutions for other felonies and for misdemeanors shall be
14 commenced within three years after the commission of the offense, and not
15 after.

16 Sec. 2. EFFECTIVE DATE

17 ~~This act shall take effect on passage.~~

Sec. 1. 13 V.S.A. § 4501 is amended to read:

§ 4501. LIMITATION OF PROSECUTIONS FOR CERTAIN CRIMES

(a) Prosecutions for aggravated sexual assault, aggravated sexual assault of a child, human trafficking, aggravated human trafficking, murder, arson causing death, and kidnapping may be commenced at any time after the commission of the offense.

(b) Prosecutions for manslaughter, sexual assault, lewd and lascivious conduct, sexual exploitation of children under chapter 64 of this title, sexual abuse of a vulnerable adult, grand larceny, robbery, burglary, embezzlement, forgery, bribery offenses, false claims, fraud under 33 V.S.A. § 141(d), and felony tax offenses shall be commenced within six years after the commission of the offense, and not after.

(c) Prosecutions for any of the following offenses alleged to have been committed against a child under 18 years of age shall be commenced within 40 years after the commission of the offense, and not after:

(1) sexual assault;₂

(2) lewd and lascivious conduct;₂

(3) sexual exploitation of a minor as defined in subsection 3258(b) 3258(c) of this title;₂ and

(4) lewd or lascivious conduct with a child, ~~alleged to have been committed against a child under 18 years of age shall be commenced within the earlier of the date the victim attains the age of 24 or 10 years from the date the offense is reported, and not after. For purposes of this subsection, an offense is reported when a report of the conduct constituting the offense is made to a law enforcement officer by the victim.~~

(d) Prosecutions for arson shall be commenced within 11 years after the commission of the offense, and not after.

(e) Prosecutions for other felonies and for misdemeanors shall be commenced within three years after the commission of the offense, and not after.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.