

S.165

Introduced by Senator Campbell

Referred to Committee on Judiciary

Date: January 1, 2010

Subject: Crimes; statute of limitations for felonies

Statement of purpose: This bill proposes to eliminate the statute of limitations for felony crimes.

*An act relating to waiver of the statute of limitations in criminal prosecutions*

An act relating to eliminating the statute of limitations for felonies

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

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

~~§ 4501. LIMITATION OF PROSECUTIONS FOR CERTAIN FELONIES~~

~~(a) Prosecutions for aggravated sexual assault, aggravated sexual assault of a child, murder, arson causing death, and kidnapping felonies 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, grand larceny, robbery, burglary, embezzlement, forgery, bribery offenses, false claims, fraud under subsection 141(d) of Title 33, and felony tax offenses shall be commenced within six years after the commission of the offense, and not after.~~

~~(c) Prosecutions for sexual assault, lewd and lascivious conduct, sexual exploitation of a minor as defined in subsection 3258(b) of this title, and 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. 1. 13 V.S.A. § 4503 is amended to read:*

*§ 4503. PROCEEDINGS BEGUN AFTER TIME LIMITATION*

*(a) If a prosecution for a felony or misdemeanor, other than arson and murder, is commenced after the time limited by section 4501 or 4502 of this title, such proceedings shall be void.*

*(b) If a defendant knowingly and voluntarily waives the statute of limitations in writing and with the consent of the prosecution, the court shall have jurisdiction over the offense and the proceedings shall be valid.*