

Senator Lyle W. Hillyard proposes the following substitute bill:

**DNA EVIDENCE - REMOVING STATUTE OF
LIMITATIONS**

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Lyle W. Hillyard

This act modifies the Criminal Code, removing the statute of limitations on certain violent crimes when DNA evidence has been collected that can be used to identify the perpetrator.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

76-1-302, as last amended by Chapter 5, Laws of Utah 1990

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-1-302** is amended to read:

76-1-302. Time limitations for prosecution of offenses -- Commencement of prosecution.

(1) Except as otherwise provided, a prosecution for:

(a) a felony or negligent homicide shall be commenced within four years after it is committed;

(b) a misdemeanor other than negligent homicide shall be commenced within two years after it is committed; and

(c) any infraction shall be commenced within one year after it is committed.

(2) A prosecution for the offenses listed in Subsections 76-3-203.5(1)(c)(i)(A) through (P) may be commenced at any time if the identity of the person who committed the crime is unknown but DNA evidence is collected that would identify the person at a later date. This Subsection (2) does not apply if the statute of limitations on a crime has run as of May 6, 2002, and no charges have been filed.



26 (3) If the statute of limitations would have run but for the provisions of Subsection (2) and
27 identification of a perpetrator is made through DNA, a prosecution shall be commenced within one
28 year of the discovery of the identity of the perpetrator.

29 ~~(2)~~ (4) A prosecution is commenced upon the finding and filing of an indictment by a
30 grand jury or upon the filing of a complaint or information.