

SESSION OF 2013

SUPPLEMENTAL NOTE ON SENATE BILL NO. 167

As Amended by Senate Committee on Judiciary

Brief*

SB 167, as amended, would allow a prosecution for rape or aggravated criminal sodomy to be commenced at any time. Additionally, the bill would allow for prosecution of a sexually violent crime to commence within ten years when the victim is 18 years old or older. When the victim is younger than 18, the bill would allow for prosecution of a sexually violent crime to commence within one year of the date the identity of the suspect is conclusively established by DNA testing, or within ten years (increased from the current period of five years) of the date the victim turns 18 years of age, whichever is later.

Background

In the Senate Judiciary Committee, bill co-sponsor Senator Faust-Goudeau; representatives of the Kansas Bureau of Investigation, Kansas Coalition Against Sexual and Domestic Violence, Justice for Survivors, and Sunflower Community Action; and several private citizens appeared in support of the bill. Representative Victors; representatives of the Kansas Association of Chiefs of Police, Kansas County and District Attorneys Association, Kansas Peace Officers Association, and Kansas Sheriffs' Association; and additional concerned citizens offered written testimony in support of the bill. No others offered testimony.

The Senate Committee amended the bill to allow prosecution for aggravated criminal sodomy to be commenced at any time and to allow for prosecution of a

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

sexually violent crime to commence within ten years when the victim is 18 years old or older.

The fiscal note prepared by the Division of the Budget for the bill, as introduced, indicates passage could increase the number of cases filed, although the fiscal effect likely would be accommodated within existing resources. Additionally, the Kansas Sentencing Commission indicates passage would have a negligible impact on prison admissions and bed needs.