

JAN 17 2008

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# A BILL FOR AN ACT

RELATING TO STATUTE OF LIMITATIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that recent advancements  
2 in DNA technology have improved law enforcement's ability to use  
3 DNA to solve cold cases. These advancements in DNA technology  
4 have substantially increased the successful DNA analysis of  
5 aged, degraded, or limited samples of biological evidence.

6           These advancements are especially relevant to solving cases  
7 of sexual assault and sexual abuse of children for which the  
8 statute of limitations may have run but for which DNA evidence  
9 surfaces that may assist in closing the case and providing  
10 justice to the victims. The legislature finds that in light of  
11 advancements in DNA technology, crimes involving sexual assault  
12 and sexual abuse of children should not be subject to the  
13 statute of limitations.

14           The purpose of this Act is to remove the statute of  
15 limitations for those felonies found in parts V and VI of  
16 chapter 707, Hawaii Revised Statutes.



1 SECTION 2. Section 701-108, Hawaii Revised Statutes, is  
2 amended by amending subsection 6 to read as follows:

3 "(6) The period of limitation does not run:

4 (a) During any time when the accused is continuously  
5 absent from the State or has no reasonably  
6 ascertainable place of abode or work within the State,  
7 but in no case shall this provision extend the period  
8 of limitation by more than four years from the  
9 expiration of the period of limitation prescribed in  
10 subsection (2);

11 (b) During any time when a prosecution against the accused  
12 for the same conduct is pending in this State; or

13 (c) For any felony offense under chapter 707, part V or  
14 VI [~~during any time when the victim is alive and~~  
15 ~~under eighteen years of age~~]."

16 SECTION 3. This Act does not affect rights and duties that  
17 matured, penalties that were incurred, and proceedings that were  
18 begun, before its effective date.

19 SECTION 4. Statutory material to be repealed is bracketed  
20 and stricken.



1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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**Report Title:**

Statute of Limitations; Sexual Assault

**Description:**

Removes the statute of limitations for any felony offenses under chapter 707, part V.

