

JAN 23 2009

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 substantially increased the successful DNA analysis of aged,
5 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. In such cases
8 DNA evidence, which may assist in solving cases and provide
9 justice to victims, may surface after the statute of limitations
10 has expired. 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 repeal the statute of
15 limitations for felonies found in parts V and VI of chapter 707,
16 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 Statutory material to be repealed is bracketed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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Report Title:

Statute of Limitations; Sexual Assault

Description:

Removes the statute of limitations for any felony offense under chapter 707, parts V and VI.

