

JAN 20 2011

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# A BILL FOR AN ACT

RELATING TO STATUTES 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. 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 abuse of children should not be subject to the statute of  
13 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.

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



- 1           "(6) The period of limitation does not run:
- 2           (a) During any time when the accused is continuously
- 3                 absent from the State or has no reasonably
- 4                 ascertainable place of abode or work within the State,
- 5                 but in no case shall this provision extend the period
- 6                 of limitation by more than four years from the
- 7                 expiration of the period of limitation prescribed in
- 8                 subsection (2);
- 9           (b) During any time when a prosecution against the accused
- 10                 for the same conduct is pending in this State; or
- 11           (c) For any felony offense under chapter 707, part V or
- 12                 VI[, ~~during any time when the victim is alive and~~
- 13                 ~~under eighteen years of age]."~~

14           SECTION 3. This Act does not affect rights and duties that

15           matured, penalties that were incurred, and proceedings that were

16           begun, before its effective date.

17           SECTION 4. Statutory material to be repealed is bracketed

18           and stricken.



# S.B. NO. 54

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

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INTRODUCED BY:

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**Report Title:**

Statutes of Limitations; Sexual Assault; Child Abuse

**Description:**

Removes the statute of limitations for any felony offense under chapter 707, part V relating to sexual offenses and part VI relating to child abuse.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

