

The Senate Judiciary Committee offered the following substitute to SB 316:

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 3 of Title 17 of the Official Code of Georgia Annotated, relating to limitations on prosecutions, so as to extend the statute of limitations for the prosecutions of the offenses of trafficking a person for sexual servitude, cruelty to children in the first degree, rape, sodomy, aggravated sodomy, statutory rape, child molestation, aggravated child molestation, enticing a child for indecent purposes, and incest; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 3 of Title 17 of the Official Code of Georgia Annotated, relating to limitations on prosecutions, is amended by revising Code Section 17-3-1, relating to limitation on prosecutions generally, as follows:

"17-3-1.

(a) A prosecution for murder may be commenced at any time.

(b) ~~Prosecution~~ Except as otherwise provided in Code Section 17-3-2.1, prosecution for other crimes punishable by death or life imprisonment ~~must~~ shall be commenced within seven years after the commission of the crime except as provided by subsection ~~(c.1)~~ (d) of this Code section; provided, however, that prosecution for the crime of forcible rape ~~must~~ shall be commenced within 15 years after the commission of the crime.

(c) ~~Prosecution~~ Except as otherwise provided in Code Section 17-3-2.1, prosecution for felonies other than those specified in subsections (a), (b), and ~~(c.1)~~ (d) of this Code section ~~must~~ shall be commenced within four years after the commission of the crime, provided that prosecution for felonies committed against victims who are at the time of the commission of the offense under the age of 18 years ~~must~~ shall be commenced within seven years after the commission of the crime.

~~(c.1)~~(d) A prosecution for the following offenses may be commenced at any time when deoxyribonucleic acid (DNA) evidence is used to establish the identity of the accused:

- (1) Armed robbery, as defined in Code Section 16-8-41;
- (2) Kidnapping, as defined in Code Section 16-5-40;
- (3) Rape, as defined in Code Section 16-6-1;
- (4) Aggravated child molestation, as defined in Code Section 16-6-4;
- (5) Aggravated sodomy, as defined in Code Section 16-6-2; or
- (6) Aggravated sexual battery, as defined in Code Section 16-6-22.2;

provided, however, that a sufficient portion of the physical evidence tested for DNA is preserved and available for testing by the accused and provided, further, that, if the DNA evidence does not establish the identity of the accused, the limitation on prosecution shall be as provided in subsections (b) and (c) of this Code section.

~~(d)~~(e) Prosecution for misdemeanors ~~must~~ shall be commenced within two years after the commission of the crime."

## SECTION 2.

Said chapter is further amended by revising Code Section 17-3-2.1, relating to limitation on prosecution of certain offenses involving a victim under 16 years of age, as follows:

"17-3-2.1.

(a) ~~If~~ For crimes committed during the period beginning on July 1, 1992, and ending on June 30, 2012, if the victim of a violation of:

- (1) Cruelty to children as defined in Code Section 16-5-70, ~~relating to cruelty to children;~~
- (2) Rape as defined in Code Section 16-6-1, ~~relating to rape;~~
- (3) Sodomy or aggravated sodomy as defined in Code Section 16-6-2, ~~relating to sodomy and aggravated sodomy;~~
- (4) Statutory rape as defined in Code Section 16-6-3, ~~relating to statutory rape;~~
- (5) Child molestation or aggravated child molestation as defined in Code Section 16-6-4, ~~relating to child molestation and aggravated child molestation;~~
- (6) Enticing a child for indecent purposes as defined in Code Section 16-6-5, ~~relating to enticing a child for indecent purposes;~~ or
- (7) Incest as defined in Code Section 16-6-22, ~~relating to incest,~~

is under 16 years of age on the date of the violation, the applicable period within which a prosecution ~~must~~ shall be commenced under Code Section 17-3-1 or other applicable statute shall not begin to run until the victim has reached the age of 16 or the violation is reported to a law enforcement agency, prosecuting attorney, or other governmental agency, whichever occurs earlier. Such law enforcement agency or other governmental agency shall promptly report such allegation to the appropriate prosecuting attorney.

(b) ~~This Code section shall apply to any offense designated in paragraphs (1) through (7) of subsection (a) of this Code section occurring on or after July 1, 1992~~ For crimes committed on and after July 1, 2012, if the victim of a violation of:

(1) Trafficking a person for sexual servitude as defined in Code Section 16-5-46;

(2) Cruelty to children in the first degree as defined in Code Section 16-5-70;

(3) Rape as defined in Code Section 16-6-1;

(4) Sodomy or aggravated sodomy as defined in Code Section 16-6-2;

(5) Statutory rape as defined in Code Section 16-6-3;

(6) Child molestation or aggravated child molestation as defined in Code Section 16-6-4;

(7) Enticing a child for indecent purposes as defined in Code Section 16-6-5; or

(8) Incest as defined in Code Section 16-6-22,

is under 16 years of age on the date of the violation, the applicable period within which a prosecution shall be commenced under Code Section 17-3-1 or other applicable statute shall not begin to run until the victim has reached the age of 18 and shall be extended to until ten years after the victim's eighteenth birthday; provided, however, that prosecution for the crime of forcible rape shall be extended to until 15 years after the victim's eighteenth birthday."

### **SECTION 3.**

All laws and parts of laws in conflict with this Act are repealed.