

Senate Bill 18

By: Senators Jones II of the 22nd, Parent of the 42nd, Butler of the 55th, Anderson of the 43rd, James of the 35th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 17 of the Official Code of Georgia Annotated, relating to
2 limitations on prosecution, so as to revise the statute of limitations on the offenses of rape,
3 aggravated sodomy, and aggravated sexual battery; to provide that a prosecution for the
4 offenses of rape, aggravated sodomy, and aggravated sexual battery may be commenced at
5 any time; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "17-3-1.

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

13 (b) For crimes of rape, aggravated sodomy, or aggravated sexual battery committed on or
14 after July 1, 2021, a prosecution for such crimes may be commenced at any time.

15 ~~(b)~~(c) Except as otherwise provided in Code Section 17-3-2.1, prosecution for other crimes
16 punishable by death or life imprisonment shall be commenced within seven years after the

17 commission of the crime except as provided by subsection ~~(d)~~ (e) of this Code section;
18 provided, however, that prosecution for the crime of forcible rape shall be commenced
19 within 15 years after the commission of the crime for offenses committed prior to July 1,
20 2021.

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

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

- 29 (1) Armed robbery, as defined in Code Section 16-8-41;
- 30 (2) Kidnapping, as defined in Code Section 16-5-40; or
- 31 (3) Rape, as defined in Code Section 16-6-1 for offenses committed prior to July 1, 2021;
- 32 (4) Aggravated child molestation, as defined in Code Section 16-6-4;
- 33 (5) Aggravated sodomy, as defined in Code Section 16-6-2 for offenses committed prior
34 to July 1, 2021; or
- 35 (6) Aggravated sexual battery, as defined in Code Section 16-6-22.2 for offenses
36 committed prior to July 1, 2021;

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

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

43

SECTION 2.

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