

Senate Bill 287

By: Senators Jones II of the 22nd, James of the 35th, Karinshak of the 48th, Williams of the 39th, Davenport of the 44th 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, rape, aggravated sodomy, or aggravated sexual battery may
13 be commenced at any time.

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

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

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

- 27 (1) Armed robbery, as defined in Code Section 16-8-41;
28 (2) Kidnapping, as defined in Code Section 16-5-40; or
29 (3) ~~Rape, as defined in Code Section 16-6-1;~~
30 (4) Aggravated child molestation, as defined in Code Section 16-6-4;
31 (5) ~~Aggravated sodomy, as defined in Code Section 16-6-2; or~~
32 (6) ~~Aggravated sexual battery, as defined in Code Section 16-6-22.2;~~
33 provided, however, that a sufficient portion of the physical evidence tested for DNA is
34 preserved and available for testing by the accused and provided, further, that if the DNA
35 evidence does not establish the identity of the accused, the limitation on prosecution shall
36 be as provided in subsections (b) and (c) of this Code section.
37 (e) Prosecution for misdemeanors shall be commenced within two years after the
38 commission of the crime."

39

SECTION 2.

40 All laws and parts of laws in conflict with this Act are repealed.