

SESSION OF 2014

SUPPLEMENTAL NOTE ON SENATE BILL NO. 258

As Amended by House Committee on Judiciary

Brief*

SB 258 would amend the statute of limitations for several offenses under the Kansas Juvenile Justice Code. Proceedings for rape, aggravated criminal sodomy, capital murder, terrorism, or illegal use of weapons of mass destruction could be commenced at any time.

Proceedings for an act that would constitute a sexually violent crime if committed by an adult could commence within 10 years when the victim is 18 years old or older. When the victim is younger than 18 years old, the bill would allow for such proceedings to commence within 10 years of the date the victim turns 18 years of age. The bill would not affect existing law allowing a proceeding for such offenses to be brought within one year of the date the identity of the suspect is conclusively established through DNA testing, if such period is later than the limitation period otherwise provided.

Finally, the bill would define, for purposes of the statute of limitations, when an offense is considered to be committed and the limitation period starts to run, as well as when a proceeding is considered to have commenced.

Background

The bill was introduced by the Senate Judiciary Committee at the request of the Kansas County and District Attorneys' Association (KCDAA). Before the Committee, a representative of the KCDAA testified in support of the bill,

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

stating it would bring the statute of limitations for juvenile proceedings for rape, aggravated criminal sodomy, and sexually violent offenses in line with recent changes to the statute of limitations for these offenses in the criminal code. There was no opponent testimony.

Before the House Committee on Judiciary, the same conferee testified in support of the bill. To bring the juvenile provisions further in line with the adult statute of limitations, the House Committee amended the bill to allow proceedings for capital murder, terrorism, and illegal use of weapons of mass destruction to commence at any time and to add provisions regarding when an offense is considered to have been committed and a proceeding is considered to have commenced. The amendment also modified a reference to juvenile proceedings to make it consistent with the rest of the statute.

According to the fiscal note prepared by the Division of the Budget on the original bill, the Office of Judicial Administration indicates the bill could increase the number of district court cases and appeals, increasing the time required by court personnel in handling the cases and appeals. The additional cases also could increase docket fee revenue. However, a precise fiscal effect cannot be determined. The Department of Corrections indicates the bill would have no fiscal effect on juvenile services or the juvenile correctional facilities.

Any fiscal effect associated with the bill is not reflected in *The FY 2015 Governor's Budget Report*.