

BILL ANALYSIS

H.B. 2019
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Since the passage of the Lavinia Masters Act in 2019, more funding has been allocated toward the testing of rape kits. This funding has allowed for more DNA collected at crime scenes to be tested. However, many rape kits have been waiting to be tested for more than five years. The current five-year statute of limitations for burglary of a habitation with intent to commit sexual assault means that even when these rape kits are tested and a match is found after that time, the person who committed the sexual assault cannot be charged or prosecuted with a first degree felony, which is the current penalty for that burglary offense. Legislation is needed to address this narrow gap in the law for cases where DNA was collected but may have not been tested within five years. Currently, this short statute of limitations for the offense of burglary of a habitation with intent to commit sexual assault can limit a prosecutor's ability to properly charge an accused offender and ensure public safety because prosecutors can only charge such a crime as a sexual assault once the five-year statute of limitations has passed.

H.B. 2019 seeks to ensure that individuals can be charged with burglary of a habitation with intent to commit sexual assault with which they would have otherwise been charged, but for the delay in DNA testing of rape kits, by removing the five-year statute of limitations for that burglary offense when DNA has been collected but either has not yet been subjected to testing or produces results showing that the tested DNA does not match the victim or any other person whose identity is readily ascertained.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2019 amends the Code of Criminal Procedure to eliminate the statute of limitations for the felony offense of burglary if the following apply:

- the offense is punishable as a first degree felony because the defendant entered a habitation with the intent to commit a sexual assault or aggravated sexual assault offense; and
- biological matter is collected during the investigation of the offense and the matter has not yet been subjected to forensic DNA testing or has been subjected to such testing and the test's results show that the matter does not match the victim or any other person whose identity is readily ascertained.

The bill's provisions do not apply to an offense if the prosecution of that offense becomes barred by limitation before the bill's effective date.

EFFECTIVE DATE

September 1, 2023.