



NEW YORK STATE SENATOR

William Larkin

Larkin Strongly Supports End Of Statute Of Limitations In Rape And Sexual Assault Cases

[WILLIAM J. LARKIN JR.](#) February 13, 2006

Senator Bill Larkin (R-C, Cornwall-on-Hudson) today announced the Senate has passed legislation (S.5342) that would hold violent criminals accountable for their actions by closing a loophole that allows them to escape prosecution and punishment for their crimes after five years.

"There should never have been a statute of limitations on these horrible crimes," said Senator Larkin. "The anguish that the victims live with afterwards certainly doesn't end after five years. The time we have to catch and prosecute these violent offenders certainly shouldn't be limited to only five years."

The bill would eliminate the statute of limitations period in criminal cases where the identity of the offender is established by means of DNA evidence. Under current law, rapists and other violent criminals can escape prosecution when charges are not formally brought up within five years.

Presently, only prosecutions for murder and other violent class A felonies are exempt from any statute of limitations.

The bill would also:

- > require offenders adjudicated as youthful offenders to provide a DNA sample for inclusion in the State DNA Databank;
- > make it a crime when a designated offender fails to provide a DNA sample;
- > establish the Innocence Project Program; and
- > add the new crime of aggravated perjury.

In addition, today the Senate also passed legislation (S.2852) that would ensure that when there is relevant DNA evidence available, it will be admitted and considered during trial. DNA technology has progressed to the point where the admissibility of properly collected and analyzed data should not be in doubt.