



## Legislation Text

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**File #:** Res 0525-2002, **Version:** \*

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Res. No. 525

Resolution calling upon the New York State Legislature to extend the statute of limitations for the prosecution of certain violent sex offenses.

By Council Members Vallone Jr., Addabbo Jr., Felder, Fidler, Gerson, Jackson, Koppell, Liu, Nelson, Recchia Jr., Reed, Sanders Jr., Sears, Comrie, Seabrook, Gentile, Lanza and Oddo

Whereas, Under New York State Criminal Procedure Law, a prosecution for rape or sodomy in the first degree must be commenced within five years of the attack; and

Whereas, This time limitation sometimes impedes the solving and prosecution of these most serious violent sex attacks, especially as DNA methods have advanced and enabled law enforcement to resolve old cases; and

Whereas, Although the main and important purpose of a statute of limitations is to address a defendant's difficulties in having to defend against a charge when basic facts may have become obscured by the passage of time, advances in DNA testing technology now require a re-examination of this statute; and

Whereas, Advances in DNA technology have made it easier for law enforcement agencies to obtain DNA evidence from a rape or sodomy victim, or the scene of a crime, and to adequately preserve that evidence for longer periods of time; and

Whereas, All fifty states now require certain offenders to submit DNA so that DNA technicians can break open the nucleus of the collected cells, extract DNA and then amplify it into batches that are examined along the DNA strands to construct a person's genetic profile; and

Whereas, Unfortunately, many rapists, particularly serial rapists, are ultimately apprehended after the current five year statute of limitations has expired, thus precluding prosecution of these dangerous sexual predators for sex crimes more than five years old, even if there is properly preserved DNA evidence definitively linking them to these crimes; and

Whereas, The statute of limitations in rape cases is especially frustrating since for more than ten years emergency room nurses have been collecting and storing semen and other evidence from rape and sexual abuse victims in "rape kits", and when analyzed this evidence allows investigators to identify rapists by their DNA signature, even if they are not physically accessible to the police; and

Whereas, It is important, in light of DNA technology, to balance the interests of a defendant in having a fair trial with the ability to prosecute these offenses, and the State Legislature should therefore examine the expansion of such statute of limitations; and

Whereas, By extending the statute of limitations for these crimes, the New York State Legislature will help ensure that New York's most dangerous sexual predators are held accountable for their heinous actions; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to extend the statute of limitations for the prosecution of certain violent sex offenses.

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