

SENATE BILL No. 167

By Senators Faust-Goudeau, Smith, Arpke, Francisco, King and Petersen

2-11

SB167-Balloon 1
Prepared By: Jason Thompson,
Office of Revisor of Statutes
February 26, 2013

1 AN ACT concerning crimes, criminal procedure and punishment; relating
2 to the statute of limitations for rape prosecutions; amending K.S.A.
3 2012 Supp. 21-5107 and repealing the existing section.

4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2012 Supp. 21-5107 is hereby amended to read as
6 follows: 21-5107.(a) A prosecution for rape, murder, terrorism or illegal
7 use of weapons of mass destruction may be commenced at any time.

8 (b) Except as provided in subsection (e), a prosecution for any crime
9 shall be commenced within 10 years after its commission if the victim is
10 the Kansas public employees retirement system.

11 (c) Except as provided in subsection (e), a prosecution for a sexually
12 violent-offense crime as defined in K.S.A. 22-3717, and amendments
13 thereto:

14 (1) *When the victim is 18 years of age or older shall be commenced*
15 *within the limitation of time provided by the law pertaining to such offense*
16 *or one year from the date on which the identity of the suspect is*
17 *conclusively established by DNA testing, whichever is later; or*

18 (2) *when the victim is under 18 years of age shall be commenced*
19 *within 10 years of the date the victim turns 18 years of age or one year*
20 *from the date on which the identity of the suspect is conclusively*
21 *established by DNA testing, whichever is later.*

22 (d) Except as provided by subsection (e), a prosecution for any crime,
23 as defined in K.S.A. 2012 Supp. 21-5102, and amendments thereto, not
24 governed by subsection (a), (b) or (c) shall be commenced within five
25 years after it is committed.

26 (e) The period within which a prosecution shall be commenced shall
27 not include any period in which:

28 (1) The accused is absent from the state;

29 (2) the accused is concealed within the state so that process cannot be
30 served upon the accused;

31 (3) the fact of the crime is concealed;

32 (4) a prosecution is pending against the defendant for the same
33 conduct, even if the indictment or information which commences the
34 prosecution is quashed or the proceedings thereon are set aside, or are
35 reversed on appeal;
36

aggravated criminal sodomy,

10 years