

HOUSE BILL 127

By Coley

AN ACT to amend Tennessee Code Annotated, Section 40-2-101, relative to the time within which certain felony sexual offenses must be prosecuted.

WHEREAS, the Tennessee Supreme Court has pointed out that only the legislature can create an exception to the statute of limitations where an offender is identified through DNA analysis, which was the case in the Court's 2011 decision involving the Wooded Rapist; and

WHEREAS, although the Wooded Rapist's appeal was unsuccessful, prosecution of further rape cases where the offender is identified by DNA analysis could be inhibited by the current statute of limitations; and

WHEREAS, it is estimated that over seventy percent (70%) of rapists are repeat offenders, and, therefore, public safety demands that sexual offenders be prosecuted and their criminal acumen should not shield them from prosecution; and

WHEREAS, DNA technology and investments in such databases have increased the likelihood that more sexual offenders will be identified in the future; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-2-101, is amended by adding the following language as a new subsection:

(k) Notwithstanding subsection (b), a person may be prosecuted, tried and punished for any offense committed on or after July 1, 2013, that constitutes a criminal offense under § 39-13-502, § 39-13-503, § 39-13-522 or § 39-13-531, no later than one (1) year after the date on which the identity of the accused is established through DNA analysis, as defined by § 24-7-118(a).

SECTION 2. This act shall take effect on July 1, 2013, the public welfare requiring it.