

ASSEMBLY BILL

No. 1682

Introduced by Assembly Member Portantino

February 14, 2012

An act to amend Section 801.1 of, and to add Section 801.3 to, the Penal Code, relating to rape.

LEGISLATIVE COUNSEL'S DIGEST

AB 1682, as introduced, Portantino. Rape: statute of limitations.

Existing law defines rape and rape of a spouse and makes each of those crimes a felony punishable by imprisonment in the state prison for 3, 6, or 8 years. Existing law requires the prosecution for an offense punishable by imprisonment for 8 years or more to commence within 6 years after the commission of the offense. Under existing law, prosecution for a rape that is alleged to have been committed when the victim was under 18 years of age may be commenced at any time prior to the victim's 28th birthday.

This bill would, instead, allow the commencement of a prosecution for rape or rape of a spouse at any time after the commission of the offense.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 801.1 of the Penal Code is amended to
2 read:
3 801.1. (a) Notwithstanding any other limitation of time
4 described in this chapter, prosecution for a felony offense described

1 in Section ~~261~~, 286, 288, 288.5, 288a, or 289, or Section 289.5,
2 as enacted by Chapter 293 of the Statutes of 1991 relating to
3 penetration by an unknown object, that is alleged to have been
4 committed when the victim was under ~~the age of 18 years~~ *18 years*
5 *of age*, may be commenced any time prior to the victim's 28th
6 birthday.

7 (b) Notwithstanding any other limitation of time described in
8 this chapter, if subdivision (a) does not apply, prosecution for a
9 felony offense described in subdivision (c) of Section 290 shall
10 be commenced within 10 years after commission of the offense.

11 SEC. 2. Section 801.3 is added to the Penal Code, to read:

12 801.3. Notwithstanding any other limitation of time described
13 in this chapter, prosecution for a felony offense described in
14 Section 261 or 262 may be commenced at any time after the
15 commission of the offense.