

Fact Sheet

SB 926 (Beall & Lara)

Criminal Statute of Limitations: Childhood Sexual Abuse

Coauthors: Senators Block, Vidak & Assemblymembers Skinner, Fox, Hall, Fong & Bradford

BACKGROUND

Intolerable rates of child abuse plague our society, producing more victims with scarred lives every year and more abusers escaping from justice by waiting out the statute of limitations. California must not allow sex abusers to turn the law on its head so they can continue to molest children.

The problem is vast. One in four girls and one in six boys are sexually abused before their 18th birthday. In California, child welfare agencies estimate that 89,000 children were abused or neglected in 2010. Studies show that many more abuses go unreported.

Well documented medical literature demonstrates a high percentage of victims of childhood sexual abuse suffer from post-traumatic stress disorder (PTSD). The disorder can cause memory loss or impairment, especially in childhood sexual abuse victims. The memory loss can seriously effect when the victim is able to report, if ever. Studies show that the victims that do report their abuse do so later in their life when their memories have become clearer and they are emotionally ready to do so, a complex process that may take them well into their 40's and 50's.

In general, the criminal statute of limitations—the deadline for charges to be filed—depends on the prison sentence a crime carries. For example, a crime that carries a life sentence without the possibility of parole (i.e. first degree murder) does not have a criminal statute of limitations. But a crime that carries a sentence of eight or more years must be prosecuted within six years of the offense.

In 2005, SB 111 (Alquist, 2005) was signed by the Governor. This bill created a special statute of limitations by lengthening the time for which specific childhood sexual abuse crimes can be prosecuted. It changed the law so these crimes may be prosecuted up to the 28th birthday of the alleged victim.

PROBLEM

Medical evidence has emerged that demonstrates victims require more time to come forward and expose their abuser to law enforcement. These credible findings effectively undermine the premise that victims must be restricted from seeking prosecution after they turn 28. In fact, it raises the question why survivors of childhood sex abuse should be restricted at all from reporting the crime.

Sexual Predators should not be allowed to evade prosecution because their crimes have caused such irreparable physical and mental damage that their victims do not alert authorities in the requisite time prescribed by California statute.

THIS BILL

SB 926 would reform the statute of limitations for the most egregious crimes of childhood sexual abuse. This bill would amend California Penal Code 801.1 by increasing the age from 28 to 40 years of age.

This bill is a modest proposal to adjust the criminal statute of limitations. Age 40 will give victims more time to overcome the hardships of coming forward and reporting these crimes to the authorities.

SB 926 is preventative measure. It will get sexual predators off the streets and stop them from abusing more children, as well as giving closure to those who have already suffered the abuse.

STATUS/VOTES

Introduced 1/29/14

Senate Public Safety (6-0)

Senate Appropriations (7-0)

SUPPORT

Santa Clara County DA
Child Abuse Prevention Center
Consumer Attorneys of California
California Protective Parents Association
California Police Chiefs Association
American Association for Marriage and Family Therapy
Crime Victims United California
Child Abuse Listening Mediation (CALM)
Restorative Justice International
Incest Survivors' Speaker Bureau
National Safe Child Coalition

OPPOSITION

Legal Services for Prisoners with Children
California Attorneys for Criminal Justice
Taxpayers for Improving Public Safety

FOR MORE INFORMATION

Staff Contact:

Kenton Stanhope- (916) 651-4015

kenton.stanhope@sen.ca.gov
