

ASSEMBLY BILL

No. 2295

Introduced by Assembly Member Addis
(Coauthors: Assembly Members Pellerin, Petrie-Norris, and
Sanchez)
(Coauthor: Senator Min)

February 12, 2024

An act to amend Section 801.1 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2295, as introduced, Addis. Crimes: commencement of prosecution.

Existing law generally requires that the prosecution of a felony sex offense be commenced within 10 years after the commission of the offense. Existing law requires specified sex offenses that are committed when the victim is under 18 years of age and under certain circumstances, such as rape of a person with a mental disorder or disability or sodomy with force or fear, to be commenced by the victim's 40th birthday.

This bill would allow the prosecution of these specified sex offenses to be commenced at any time, as specified.

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:

1 801.1. (a) (1) Notwithstanding any other limitation of time
2 described in this chapter, prosecution for a felony offense described
3 in Section 261, 286, 287, 288, 288.5, or 289, or former Section
4 288a, or Section 289.5, as enacted by Chapter 293 of the Statutes
5 of 1991 relating to penetration by an unknown object, that is
6 alleged to have been committed when the victim was under 18
7 years of age, may be commenced any time prior to the victim's
8 40th birthday.

9 (2) Paragraph (1) shall only apply to crimes that were committed
10 on or after January 1, 2015, or for which the statute of limitations
11 that was in effect prior to January 1, 2015, has not run as of January
12 1, 2015.

13 *(3) Notwithstanding paragraphs (1) and (2), prosecution for*
14 *crimes described in paragraph (1) may also be commenced on or*
15 *after the victim's 40th birthday for crimes that were committed on*
16 *or after January 1, 2025, or for which the statute of limitations*
17 *that was in effect prior to January 1, 2025, has not run as of*
18 *January 1, 2025.*

19 (b) Notwithstanding any other limitation of time described in
20 this chapter, if either subdivision (a) of this section or subdivision
21 (b) of Section 799 does not apply, prosecution for a felony offense
22 described in subdivision (c) of Section 290 shall be commenced
23 within 10 years after commission of the offense.