



NEW YORK STATE SENATOR

Liz Krueger

Senator Krueger Praises Elimination of Statute of Limitations on Sexual Assault

LIZ KRUEGER June 22, 2006

Albany, NY—State Senator Liz Krueger praised the State Legislature today after both houses voted to eliminate the statute of limitations regarding the prosecution of rape and other sexual assaults. The legislation also extends the statute of limitations on civil actions brought by individuals against a criminal offender.

"The mental trauma of sexual violence can last much longer than the physical trauma a survivor endures. Particularly with the major advances we have seen in DNA technology, perpetrators may be identified and caught after five years, and some survivors may have been unable to come forward at an earlier date due to trauma or fear of further attacks." Krueger stated.

The legislation was successful in passing because of support from the Senate, Assembly and the Governor.

Krueger went on to say, "This is one example of the good legislation our state can produce when we put aside political tit-for-tat and have a serious discussion about what kind of state we want to be and what kind of example we want to set for the rest of the country."

Unlike current law, which provided a 5-year limitation period on the criminal prosecution of crimes such as rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, and sexual conduct against a child in the first degree, S.8441 opens the door on the option to prosecute sex-related crimes regardless of when those crimes were committed.

"When first elected in 2002, I introduced legislation to repeal the Statute of Limitations on rape and other sexual assaults, and I am pleased that we have finally taken action on this important issue," said Senator Krueger. "Under the old law, survivors could be traumatized twice—first by the perpetrator and then again by a legal system that provided a greater time frame for prosecuting property damage than for sexual assaults."

The legislation guarantees that survivors are granted the opportunity to pursue a civil claim against those who commit the same first-degree offense, extending the statute of limitations from one year after the commission of the sex act, to five years after the conclusion of criminal proceedings. Survivors whose right to pursue such action had expired under current law, will now be entitled to a new five-year window in which to seek relief in the civil justice system.

"While this is an important step for bringing justice to survivors of sexual assault, there is still more to do," Krueger declared. "We must now pass legislation that ensures that all survivors have immediate access to trained rape crisis counselors, regardless of where they live in New York State."