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AB-2295 Crimes: commencement of prosecution. (2023-2024)

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Assembly Bill No. 2295

CHAPTER 825

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

[Approved by Governor September 28, 2024. Filed with Secretary of State September 28, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2295, 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 clarify that if the conditions authorizing prosecution for these crimes are not met, the prosecuting agency may nevertheless provide victim assistance to the person, including support with pursuing restorative justice.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 801.1 of the Penal Code is amended to read:

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

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

(3) If the requirements in paragraph (1) are not met, the prosecuting agency may nevertheless provide victim assistance to the person, including support with pursuing restorative justice.

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