


Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: October 4, 2018

SUBJECT: Fiscal Impact Statement – Sexual Abuse Statute of Limitations
Amendment Act of 2018

REFERENCE: Bill 22-21, Draft Committee Print as shared with the Office of Revenue
Analysis on October 3, 2018

Conclusion

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill.

Background

The current statute of limitations for a sexual abuse victim who was a minor to recover damages is counted as seven years after the victim turns 18 years old.¹ The bill establishes two new statutes of limitations to pursue damages. For victims where the abuse occurs before she or he turns 35 years old, the victim has until she or he turns 40 years old. For victims 35 years of age or older, they will have five years to recover damages. Any victim who has exceeded the seven-year or three-year limits but would qualify under the new limits is provided with two years from the bill's effective date to pursue damages. The bill also increases a current limitation from three to five years after a victim knows or should have known that an act was considered sexual abuse, if that is a later date than the prescribed limitations.

The bill also eliminates the statute of limitations to prosecute the following crimes:

- First, second, third, and fourth degree sexual abuse;²
- First and second degree child sexual abuse;³

¹ Adult victims currently have three years to file for damages.

² Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code §§ 22-3002, 22-3003, 22-3004, and 22-3005).

The Honorable Phil Mendelson

FIS: Bill 22-21, "Sexual Abuse Statute of Limitations Amendment Act of 2018," Draft Committee Print as shared with the Office of Revenue Analysis on October 3, 2018

- First and second degree sexual abuse of a minor;⁴
- First and second degree sexual abuse of a secondary education student;⁵
- First and second degree sexual abuse of a ward, patient, client or prisoner;⁶
- First or second degree sexual abuse of a patient or client;⁷ and
- Incest.⁸

Any incident where the current ten- or fifteen-year statute of limitations is still active will benefit from the bill's proposed unlimited statute of limitations. Incidents where the statute of limitations has expired are not subject to the unlimited statute of limitations.

The bill imposes a 65-year requirement for the District to maintain any evidence, case jackets, and crime scene files for any of the previously enumerated crimes. The current holding period for these materials is consistent with the existing statute of limitations for the crimes.

The bill removes the ability for a prosecutor to bring a case against a DNA profile or "John or Jane Doe" for the purposes of starting the process of prosecution of some alleged sexual abuse crimes.⁹

Financial Plan Impact

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. The population of potential sexual assault cases that are still within the current statute of limitations but could benefit from the unlimited statute of limitations is unknown. The Metropolitan Police Department believes it can meet the bill's change of holding evidence from the current ten- or fifteen-year limit to the proposed 65-year limit with existing resources and storage facilities. The Department of Forensic Sciences (DFS) also believes it can manage the extended statute of limitations changes with existing budgeted resources.

However, both agencies will need to monitor caseloads in the event there is an unexpected increase in cases and the amount of evidence that needs to be held or the number of cases that require testing¹⁰ significantly exceeds expectations.

³ D.C. Official Code §§ 22-3008 and 22-3008.

⁴ D.C. Official Code §§ 22-3009.01 and 22-3009.02

⁵ D.C. Official Code §§ 22-3009.03 and 22-3009.04.

⁶ D.C. Official Code §§ 22-3013 and 22-3014.

⁷ D.C. Official Code §§ 22-3015 and 22-3016.

⁸ Effective March 3, 1901 (31 Stat. 1332, ch. 584, § 875; D.C. Official Code § 22-1901).

⁹ These crimes include first or second degree sexual abuse and first or second degree child sexual abuse.

¹⁰ Contracted DFS testing can cost anywhere from \$1,000 to \$4,500 per case if caseloads expand unexpectedly.