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## ACLU OF RI POSITION: OPPOSE

### TESTIMONY ON 24-H 7629, RELATING TO COURTS AND CIVIL PROCEDURE – CAUSE OF ACTION April 4, 2024

The ACLU of Rhode Island opposes this legislation, which would completely remove any statute of limitations for the crime of second-degree sexual assault (and also increase to ten years the standard for third-degree sexual assault). The ACLU generally opposes, as a matter of basic due process, the elimination of statutes of limitations for criminal offenses, and that opposition applies to this proposal.

Statutes of limitation serve an important purpose. They ensure that evidence is relatively fresh and they recognize that as time passes, it becomes much harder for a person to mount a defense. Memories fade, and exculpatory evidence that a person has no chance to recover ceases to exist. To ask a person to defend him or herself in a criminal case dozens of years after the fact imposes enormous challenges. While we recognize that there are already a hodgepodge of crimes – some extraordinarily serious, some less so – that are exempt from a statute of limitations, it is worth noting that *it has been over 30 years* since a new offense was added to this list. In light of the deleterious impact that the removal of a statute of limitations can have on criminal defendants, we do not believe there is sufficient cause to begin expanding it.

We fully appreciate the various social and psychological factors that may inhibit a victim of sexual abuse from coming forward promptly with allegations of such crimes, but in light of the prejudice to a defendant that complete removal of a statute of limitations causes, we respectfully oppose this legislation.