

SB 317
Senate Committee on Judiciary
Written-only Proponent Testimony
March 23, 2023

Chairperson Warren and Members of the Senate Committee on Judiciary,

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) is a statewide non-profit organization whose membership includes 25 sexual and domestic violence programs serving victims across Kansas. KCSDV provides information, training, and analysis on issues impacting victims of domestic and sexual violence, their families, and their communities. KCSDV member programs are committed to providing quality services to victims of sexual assault and domestic violence, empowering victims to live independently without the ongoing fear of violence, and to help victims secure resources necessary for a safe and healthy future.

KCSDV supports SB 317. Currently, rape can be prosecuted at any time, allowing victims time to process trauma and handle safety concerns. However, related sexual offenses are not treated the same. KSA 21-5107 requires the commencement of prosecution of a “sexually violent crime” to occur:

- For victims 18 years of age or older, within 10 years or within 1 year from the date on which the suspect’s identity is conclusively established by DNA testing (whichever is later); or
- For victims under 18 years of age, within 10 years of the victim turning 18 or within 1 year from the date on which the suspect’s identity is conclusively established by DNA testing (whichever is later).

KSA 22-3717 defines “sexually violent crime” to include those crimes included in SB 317: indecent liberties with a child, aggravated indecent liberties with a child, criminal sodomy, aggravated criminal sodomy, indecent solicitation of a child, aggravated indecent solicitation of a child, sexual exploitation of a child, aggravated sexual battery, aggravated incest, aggravated human trafficking, internet trading in child pornography, and commercial sexual exploitation of a child. While the statute of limitations for these crimes is longer than the standard five years for other crimes, it still hurts victims and serves perpetrators of crimes.

Current law can deprive victims of the time needed to fully understand the violence inflicted on them and prepare to deal with traumatizing legal proceedings. Eliminating the statute of limitations for sexual offenses against children is consistent with trauma-informed approaches

that understand every individual deals with trauma differently and many do not immediately disclose the abuse.

Additionally, the current statute of limitations for both criminal and civil sexual offense serves perpetrators who engage in sexual abuse of a child. Statutes of limitation exist to provide predictability and protection under the law for defendants. In this specific instance, these limitations only serve to benefit those who prey on children. It is not unreasonable for the perpetrator of sexual violence against children to live with the uncertainty of when they may be held liable for their actions.

Amending current law to eliminate the statute of limitations for criminal proceedings and extend the statute of limitations for civil proceedings for childhood victims of sexual abuse would provide victims the opportunity to face their abusers at a time that works best for the victim, not the abuser.

Thank you,

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