



Legislative Testimony
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**Written Testimony Supporting
Senate Bill 237, An Act Establishing a Task Force to
Evaluate Statutes of Limitations for Sexual Assault Crimes and
Opposing House Bill 5246, An Act Eliminating the Statute
of Limitations in the Case of Sexual Assault**

Senator Doyle, Senator Kissel, Representative Tong, and distinguished members of the Judiciary Committee:

My name is David McGuire, and I am executive director of the ACLU of Connecticut (ACLU-CT). I am submitting this testimony in support of S.B. 237, An Act Establishing a Task Force to Evaluate Statutes of Limitations for Sexual Assault Crimes and in opposition to H.B. 5246, An Act Eliminating the Statute of Limitations in the Case of Sexual Assault.

It has been 10 years since Tarana Burke coined “Me Too” to empower women, particularly women of color, who have experienced sexual harassment and violence. It was clear then and now that everyone must do more to stop sexual assault, which disproportionately harms women and LGBTQ people. Sexual and gender-based violence constitutes discrimination. It is part of a wider system that devalues women’s and LGBTQ people’s lives and prevents full participation in society, and it must end. Growing public awareness could spark change, but only if states appropriately seize this moment as a chance to enact more meaningful mechanisms for accountability.

We recognize that Connecticut’s current five-year criminal statute of limitations for sexual assault places our state as an outlier; Connecticut’s existing statute of limitations is among the shortest in the country. We further recognize that fear of retribution, stigma, police hostility, involvement in the justice system, and more contribute to a climate in which it can take years, if ever, for sexual assault survivors to secure the support and safety they need to come forward. In addition, this five-year criminal statute of limitations treats sexual assault in the same way under Connecticut criminal law as many less serious crimes that do not have these same barriers to reporting. For these and other reasons, the ACLU-CT supports the creation of a task force, as proposed in S.B. 237, to delve more deeply into questions around Connecticut’s criminal statutes of limitations for sexual assault. We would further encourage this task

force to provide recommendations for how the state can address the underlying barriers to justice for survivors: fear of losing their jobs, that others won't believe them, that law enforcement will not treat them with respect, of deportation for themselves or loved ones, of reliving the experience or suffering through legal proceedings, or of defamation lawsuits. We also hope the task force will examine additional models for justice, including restorative justice, that seek to address the limitations of a purely criminal approach. Alternative models can offer survivors justice and, many times, may not be limited by statutes of limitations.

While the ACLU of Connecticut does not oppose movement to reassess Connecticut's statutes of limitations for sexual assault, we oppose H.B. 5246's proposal to eliminate the statute of limitations altogether. Just as Connecticut's current five-year statute of limitations positions the state as an outlier, so would eliminating the statute of limitations completely—the majority of states have a statute of limitations in place. Statutes of limitations are designed to balance the right to prosecute with the right to a fair trial. After a significant passage of time, an innocent person accused of a crime may be unable to remember where they were on a particular day, witnesses may become inaccessible or unable to remember what they saw, and evidence may become lost or unavailable. Eliminating the statute of limitations altogether also runs the risk of prioritizing incarceration and policing over dismantling the power disparities and discrimination that fuel sexual and gender-based violence.

I respectfully urge you to support S.B. 237, An Act Establishing a Task Force to Evaluate Statutes of Limitations for Sexual Assault Crimes and oppose H.B. 5246, An Act Eliminating the Statute of Limitations in the Case of Sexual Assault.