

LEGAL momentum

The Women's Legal Defense and Education Fund

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May 21, 2015

Oregon State Senator Floyd Prozanski
Chair, Senate Judiciary Committee
The Capitol
Salem, Oregon

VIA Email: Sen.FloydProzanski@state.or.us

Dear Senator Prozanski:

As a strong opponent of sexual violence, I am writing on behalf of Legal Momentum (formerly the National Organization for Women (NOW) Legal Defense and Education Fund), whose mission is to ignite change for women. I respectfully ask you to support extension to 20 years of Oregon's statute of limitations on rape charges without DNA evidence.

HB2317 calls for doubling Oregon's current statute of limitations for rape cases without DNA evidence, from six to 12 years. Recently HB2317 passed the State House unanimously. This sounds like good news, but it's not. The extension to 12 years is not long enough for Oregon to live up to its progressive reputation, or to give rape victims enough time after reporting to recover and go forward in court.

More than half of all other states have no statute of limitations for rape charges of any kind, and those states range from liberal New York and New Jersey to reliably Republican Wyoming. In states that do have statutes of limitations, the trend is to extend them: in Florida, Ohio, and Indiana, state legislatures recently voted to extend their own deadlines.

At present, Oregon's deadline of only six years is one of the nation's shortest – even though according to the CDC, Oregon is second only to Alaska in the incidence of rape. Please bear in mind that HB2317 is a modest bill: it asks only for a 20-year extension in cases of rape in the first degree. Most states have eliminated statutes of limitations for many other sex crimes as well.

Oregon's defense bar counters that if a rape case doesn't go to court immediately, evidence gets lost and memories fade or corrupt. But I am not asking to eliminate the burden of proof; no prosecutor will take a rape case to court without sufficient



evidence to convict.

Defense lawyers also worry that with a longer deadline, Oregon's courts will be inundated by a tsunami of "he said, she said" cases, years afterwards. But I have spoken to other states where the statute of limitations on rape charges has been eliminated altogether, and their courts have seen no such flood.

After rape, post-traumatic stress and fear can haunt survivors for decades, even lifetimes. Many rape victims who do report their attacks and undergo rape-kit examinations frequently lack the wherewithal to go to court immediately, where they will endure cross-examination from a defense lawyer who will work hard to undermine their credibility. A longer statute of limitations will encourage more reporting of rape, the U.S.'s most under-reported crime, because victims will know that they can go to the police, have a rape kit done, and then marshal their strength before a court date.

Senator Prozanski, please stand up for Oregon's rape victims. Please support an amendment to HB2317 that extends Oregon's statute of limitations on rape charges without DNA evidence to 20 years.

Respectfully,



Carol Robles-Román
President and CEO of Legal Momentum