

HOUSE No. 4836

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 10, 2024.

The committee on the Judiciary, to whom were referred the petition (accompanied by bill, Senate, No. 1060) of Mark C. Montigny, Adam Scanlon, Michael O. Moore, James B. Eldridge and others for legislation to provide a DNA exception for statute of limitations on sex offenses and the petition (accompanied by bill, House, No. 1760) of Adam Scanlon, Hannah Kane and others relative to the statute of limitations for the crime of rape and establishing a DNA exception rule, reports recommending that the accompanying bill (House, No. 4836) ought to pass.

For the committee,

MICHAEL S. DAY.

HOUSE No. 4836

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to establish a DNA exception rule for victims of rape.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 97B ½ of chapter 41 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by inserting, in line 20, after the word “cases” the following
3 words:- ; provided, however, that all kits shall be retained for no less than 15 years.

4 SECTION 2. Said section 97B ½ of said chapter 41 of the General Laws, as so appearing,
5 is hereby further amended by inserting, in line 26, after the word “enforcement” the following
6 words:- , notwithstanding the statute of limitations of the underlying offense.

7 SECTION 3. Section 63 of chapter 277 of the General Laws, as so appearing, is hereby
8 amended by inserting after the sixth sentence the following sentence:-

9 Notwithstanding the above, an indictment or complaint for an offense set forth in sections
10 22, 22A, 22B, 22C, 23, 23A or 23B of chapter 265 may be found and filed at any time after the
11 date of the commission of such offense if the identity of the person who allegedly committed the
12 offense: (1) was identified after the limitation period set forth in this section; and (2) the identity

- 13 has been established through a DNA record, as defined in section 1 of chapter 22E, using
- 14 evidence collected at the time of the commission of the offense.