



Iowa General Assembly

2003 Legal Updates

Legislative Services Agency – Legal Services Division

<http://www.legis.state.ia.us>

Purpose. *Legal update briefings are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update briefing is intended to inform legislators, legislative staff, and other persons interested in legislative matters of recent court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although a briefing may identify issues for consideration by the General Assembly, a briefing should not be interpreted as advocating any particular course of action.*

APPLICABILITY OF EX POST FACTO CLAUSE ON STATUTE OF LIMITATIONS

Filed by the United States Supreme Court
June 26, 2003

Stogner vs. California, No. 01-1757

<http://laws.findlaw.com/us/000/01-1757.html>

Overview. California enacted a criminal statute of limitations in 1993 which expanded the time to prosecute a child sex abuse case if the original statute of limitations period had expired and the prosecution of the child sex abuse case was initiated within one year of the victim's report to the police. The U.S. Supreme Court struck down the new statute of limitations as an unconstitutional ex post facto law.

Facts. The defendant Stogner was charged with child sex abuse for offenses that occurred between 1955 and 1973, and at the time the offenses were alleged to have occurred the statute of limitations in California was three years. The state of California prosecuted Stogner under a new statute of limitations statute.

Issue. Does the Ex Post Facto Clause of the United States Constitution permit the prosecution of a criminal offense which has been previously time-barred by a statute of limitations.

Analysis and Conclusion. The United States Supreme Court held that the California law violates the Ex Post Facto Clause of the United States Constitution. The Court stated that the California law "threatens the kinds of harm that the Clause seeks to avoid, for the Clause protects liberty by preventing governments from enacting statutes with manifestly unjust and oppressive retroactive effects." The Court also emphasized that California's new statute of limitations inflicts punishment in cases that were not subject to punishment because the original statute of limitations had run. Finally, the Court stated that numerous courts have concluded that the Ex Post Facto Clause forbids resurrection of a time-barred prosecution.

This case may have an impact on prosecutions in Iowa because in 2000 the statute of limitations for sexual abuse was expanded from five years after the commission of the sexual abuse to 10 years.

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