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Rape, sodomy law change sought

A proposed bill would eliminate the statute of limitations on the two crimes.

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By [Eric Eckert](#)
News-Leader

Two state representatives introduced a bill designed to eliminate the statute of limitations on crimes of forcible rape and sodomy.

During a news conference Thursday, Rep. Craig Hosmer, D-Springfield, and House Speaker Jim Kreider, D-Nixa, — sponsors of the bill — said current legislation is confusing and does not specifically classify the two crimes as Class A felonies.

And, under current law, unclassified felonies have a three-year statute of limitations.

Hosmer said the wording of the current law has accounted for different decisions in two Missouri appellate courts.

He said the Western District determined that the felonies are “unclassified” and therefore carry a three-year statute of limitations. The Eastern District classified the crimes as Class A felonies and decided there is no statute of limitation. Courts in the Southern District, which includes Greene and Christian counties, have not faced the issue, Hosmer said.



Rep. Craig Hosmer (left), D-Springfield, listens as Rep. Jim Kreider, D-Nixa, explains their bill.
Duke Wright / News-Leader

The legislation was proposed to clarify any inconsistencies, Hosmer said.

Greene County Prosecutor Darrell Moore said he supports the bill and hopes for a change in the law.

Currently, an adult rape or sodomy case will not be prosecuted in Greene County if the crime occurred more than three years earlier.

“If someone came to us now and said they had been raped three years and two days ago, we couldn’t prosecute,” Moore said, adding the decision was based on the Western District ruling.

Springfield Defense Attorney Shawn Askinosie said he is in favor of the proposed law if it accommodates advanced technology — such as DNA testing — and helps nab the right suspect.

"Anyone should be in favor of this if it brings the real perpetrator to justice and holds him accountable for the crime," he said.

Kreider said he looks for the bill to sail smoothly through the House and hopefully the Senate.


"With advances in medical testing technology, we know that now we can prove cases of rape years, even dozens of years later," Kreider said. "This will be a priority of the Democratic Caucus."

Hosmer simply wants to send a message to the offenders. "No matter how long it takes, if we find you, we will put you in jail."

This bill has no effect on crimes involving children, Moore said. Children who fall victim to such crimes have a 10-year window — between the ages of 18 and 28 — to report the crimes.



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