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BILL TO CREATE A DNA EXCEPTION RULE ADVANCES OUT OF COMMITTEE

BOSTON – On Wednesday, July 10th, 2024, the House bill, An Act to Establish a DNA Exception Rule for Victims of Rape, was reported favorably by the Joint Committee on the Judiciary. Rep. Scanlon (D-North Attleborough) filed this bipartisan bill, [H.1760](#), along with Rep. Hannah Kane (R-Shrewsbury), with Senator Mark Montigny (D-New Bedford) filing the Senate’s version of the bill, [S.1060](#), which now accompanies the House legislation as it moves forward. Bristol County District Attorney Thomas Quinn also joined with the House legislators in filing the legislation which would effectively eliminate the statute of limitations for rape in cases where DNA evidence is matched to identify the perpetrator. The House bill was redrafted by the Committee and renumbered [H.4836](#), and is now before the House Committee on Steering, Policy and Scheduling.

The bill amends current law to allow prosecutors to bring charges for rape outside the current 15-year statute of limitations period when the perpetrator is identified by DNA evidence after that time period has elapsed. The legislation would see Massachusetts join the 35 other states that have either some version of a DNA exception rule to the statute of limitations or no statute of limitations for felony sex crimes at all. The bill was supported by a coalition of legislators, survivors, law enforcement, prosecutors, and advocacy organizations.

“I am really grateful to my colleagues and to Chair Day for listening to our arguments and hearing the experiences of my constituent, who came to me about this issue, and of other survivors, who all bravely testified in support of this bill, sharing what happened to them and their long quest for justice over decades,” **said Rep. Scanlon.** “No arbitrary time limit should stand in the way of survivors getting justice for horrific crimes they endure, or prevent prosecutors and law enforcement from getting dangerous predators off the streets. The Committee moving this bill forward is an important step toward removing that obstacle that currently stands in the way of justice for so many survivors, and I will keep fighting for them until this bill is law.”

“Protecting survivors of sexual violence is an important priority and this legislation is critical to making sure that victims receive justice regardless of when DNA evidence comes to light,” **said Sen.**

Montigny. “When sexual assault evidence kits are processed, regardless of when they were collected, we need to make sure that evidence can be acted on. We need to ensure we aren’t in the position where we are forced to inform victims that we know who committed this horrendous crime, but that the state won’t be taking any action. Victims of sexual crimes shouldn’t be abused a second time by the inaction or ineptness of the government, the state needs to do everything it can to protect them.”

“By removing obstacles to prosecution of perpetrators of sexual assault, this bill helps get dangerous predators off the streets and ensure justice for survivors. I thank the Joint Committee on the Judiciary for reporting this bill favorably, and I thank the survivors, members of law enforcement, and advocates who testified about the importance of this legislation. I look forward to seeing this bill continue its progress through the Legislature,” **said Rep. Kane.**

Rep. Scanlon filed this bill last legislative session in 2021 when a constituent of his came to him about the issue, after being assaulted 25 years ago, and filed it again at the start of this session. This constituent testified in favor of the legislation at a [hearing of the Joint Committee on the Judiciary](#) in September last year, and was joined by numerous other survivors who all shared their experiences and their views on the prospect of having their attackers’ prosecution blocked by the statute of limitations.

“It will be 35 years this December, and I have not given up on this fight for closure and justice, and I am asking that the state of Massachusetts does not give up on this fight for justice either,” **said one survivor** at the hearing.

Joining the survivors in supporting the bill at the Committee hearing were members of law enforcement, including Bristol County District Attorney Thomas Quinn, who filed the bill, as well as two members of the Boston Police Department, Sexual Assault Kit Initiative Program Site Director Shannon Hogan, and Detective Michael Shikoluk, who is assigned to the Sexual Assault Unit and is a member of the Sexual Assault Kit Initiative Program’s team.

Sexual assault survivor advocacy organizations also supported the bill, including the Joyful Heart Foundation and the Rape, Abuse & Incest National Network (RAINN), which both wrote to the Committee in favor of passage.

This bill is especially important because of the progress Massachusetts has made in recent years in clearing its backlog of untested sexual assault evidence kits, thanks to legislation passed in 2016 requiring such evidence to be preserved for a minimum of 15 years and legislation passed in 2021 requiring the vast majority of untested kits be tested within 180 days of the law’s implementation. Many kits are older than 15 years, and this bill is necessary to enable prosecutions of alleged perpetrators identified by such older kits.

Numerous recent developments in particular cases, in which alleged assailants are identified years or decades after the assault, also make clear the need to pass this legislation. [Forensic](#)

[genetic genealogy recently led to the identification](#) of the alleged assailant of a 1989 attack in Framingham, the survivors of which testified at the Committee hearing last year. That alleged assailant is now wanted and [has been indicted by the Middlesex District Attorney Marian Ryan](#), which is only possible in this case because he left the state, stopping the clock on the statute of limitations. Unfortunately, [charges have been dropped in other cases](#) recently due to the statute of limitations where the alleged assailant did not leave the state.

“We are doing the right thing as a state to end the backlog of rape kits that had existed for far too long. And this work is yielding results, identifying dangerous people,” **said Scanlon**. “But not only do survivors have a right to have their kit tested after they choose to undergo the process of having the evidence collected, they should have a right for that evidence to be used in bringing the perpetrator to justice. That’s why this bill is necessary.”

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