

GENERAL OFFICE MEMORANDUM 19-113

TO: ALL DISTRICT ATTORNEY PERSONNEL

FROM:  JOSEPH P. ESPOSITO
Chief Deputy District Attorney

SUBJECT: FIVE-YEAR STATUTE OF LIMITATIONS FOR ALL PENAL
CODE 273.5 CRIMES

DATE: OCTOBER 18, 2019

The Governor recently signed Senate Bill (SB) 273, adding Section 803.7 to the Penal Code. The new code section changes the statute of limitations for violations of Penal Code Section 273.5. Under the prior law the statute of limitations for Penal Code Section 273.5 was governed by Penal Code Section 801, which is the general statute of limitations for most felonies and sets forth a three-year statute of limitations. The new law under Penal Code Section 803.7 is specific to the crime of Penal Code Section 273.5 and sets forth a five-year statute of limitations.

The law becomes effective on January 1, 2020 and will only apply to violations of Penal Code Section 273.5 for which the statute of limitations has not yet expired as of January 1, 2020. The five-year statute of limitations applies to both felony and misdemeanor charges of domestic violence. See *People v. Sillas*, (2002) 100 Cal. App. 4th Supp. 1, which holds that when a crime is a wobbler, the statute of limitations for filing the misdemeanor is the same as the statute of limitations for the felony.

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