

# Statutes of Limitations for Sexual Assault

## A State-by-State Comparison

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**Current as of 8/21/2013**

This chart summarizes the applicable state statutes of limitations for the prosecution of various sexual assault crimes. The chart also highlights states that have a DNA exception to the statute of limitations. Though the specifics vary from state to state, a DNA exception allows for the tolling of a statute of limitations in cases where a perpetrator is later identified through DNA evidence. As of the date of this chart, 27 states have some form of a DNA exception that extends the time limit for prosecuting the offense.

Additionally, 8 states do not have any statute of limitations for prosecuting felony sexual assault. Of these states, Delaware has no statute of limitations for any sexual offense; Wyoming and South Carolina have no statute of limitations for any criminal prosecution. States without a statute of limitations would not need a DNA exception.

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State	Crime	Statute of Limitations <sup>1</sup>	DNA Exception	DNA Exception Text
<b>Alabama</b> Ala. Code §§ 15-3-1, 15-3-2, 15-3-5				
	Rape; Sexual abuse with violence or threat of violence; Sexual offense (victim under 16)	None		
	Felony sexual abuse	3 years		
	Misdemeanor sexual abuse	1 year		
<b>Alaska</b> Alaska Stat. § 12.10.010				
	Sexual assault; Sexual abuse against a minor	None		
	Sexual offense against an unaware, incapacitated, or mentally incapable victim	10 years		
	Other sexual offenses	5 years		
<b>Arizona</b> Ariz. Rev. Stat. § 13-107			✓	(E) The period of limitation does not run for a serious offense as defined in section 13-706 during any time when the identity of the person who commits the offense or offenses is unknown.
	Violent sexual offenses; Sexual assault; Sexual conduct with a minor (under 15 or perpetrated by family/guardian)	None		

<sup>1</sup> Most states have provisions tolling the period of limitations if the accused purposely avoids prosecution or does not reside within the state.

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	Sexual conduct with a minor, age 15-18; Sexual abuse	7 years <sup>2</sup>		
<b>Arkansas</b> Ark. Code § 5-1-109			✓	(i) If there is biological evidence connecting a person with the commission of an offense and that person's identity is unknown, the prosecution is commenced if an indictment or information is filed against the unknown person and the indictment contains the genetic information of the unknown person and the genetic information is accepted to be likely to be applicable only to the unknown person. (j) <b>When DNA testing implicates a person previously identified through a search of state or national DNA database, a statute of limitations shall not preclude prosecution.</b>
	Sexual offenses against a minor	Before victim turns 28		
	Rape	6 years		
	Sexual assault	3 years		
<b>California</b> Cal. Penal Code §§ 799, 800, 801, 803			✓	A criminal complaint may be filed <b>within one year of the date on which the identity of the suspect is conclusively established by DNA testing</b> , if both of the following conditions are met: (A) The crime is one that is described in subdivision (c) of Section 290. (B) The offense was committed prior to January 1, 2001, and biological evidence collected in connection with the offense is analyzed for DNA type no later than January 1, 2004, or the offense was committed on or after January 1, 2001, and biological evidence collected in connection with the offense is analyzed for DNA type no later than two years from the date of the offense.
	Sexual offenses against a minor	Before victim turns 28		
	Rape	10 years		
<b>Colorado</b> Colo. Rev. Stat. § 16-5-401			✓	(a.5) Except as otherwise provided in paragraph (a) of subsection (1) of this section concerning sex offenses against children, in any case in which the identity of the defendant is determined, in whole or in part, by patterned chemical structure of genetic information, and in

<sup>2</sup> “After actual discovery by the state or political subdivision having jurisdiction of the offense or discovery by the state or the political subdivision that should have occurred with the exercise of reasonable diligence, whichever first occurs.”

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			<p>which the offense has been reported to a law enforcement agency, as defined in section 26-1-114 (3) (a) (III) (B), C.R.S., within ten years after the commission of the offense, <b>there shall be no limit on the period of time during which a person may be prosecuted after the commission of the offense as to any offense charged:</b></p> <p>(I) Under section 18-3-402, C.R.S. [sexual assault], or section 18-3-403, C.R.S.[sexual assault (2<sup>nd</sup> degree)], as said section existed prior to July 1, 2000; or</p> <p>(II) As criminal attempt, conspiracy, or solicitation to commit any of the offenses specified in subparagraph (I) of this paragraph (a.5).</p>
	Sexual offense against children under 15	None	
	Sexual assault	10 years	
<p><b>Connecticut</b> Conn. Gen. Stat. § 54-193</p>			<p>✓ [T]here shall be no limitation of time within which a person may be prosecuted for a violation of section 53a-70 [sexual assault (1st degree)], 53a-70a [aggravated sexual assault (1st degree)], 53a-70b [sexual assault in a spousal or cohabitative relationship], 53a-71 [sexual assault (2nd degree)], 53a-72a [sexual assault (3rd degree)], or 53a-72b [sexual assault (3rd degree) with a firearm], provided (1) the victim notified any police officer or state's attorney acting in such police officer's or state's attorney's official capacity of the commission of the offense not later than five years after the commission of the offense, and (2) the identity of the person who allegedly committed the offense has been established through a DNA (deoxyribonucleic acid) profile comparison using evidence collected at the time of the commission of the offense.</p>
	Sex assault of a minor under 16 and with force	None	
	Other sexual assault of a minor if no force	30 years after victim attains the age of majority, or within five years after report to authorities, whichever is	

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		earlier <sup>3</sup>		
	Sexual assault	5 years		
<b>Delaware</b> Del. Code Ann. tit. 11, § 205			✓	(i) If the limitation period has expired, a prosecution for any offense in this title may be commenced <b>within 10 years</b> after it is committed if based upon forensic DNA testing.
	Sexual offenses	None <sup>4</sup>		
<b>District of Columbia</b> D.C. Code § 23-113				
	Sexual abuse against a minor	15 years after victim turns 21		
	Sexual abuse	15 years <sup>5</sup>		
<b>Florida</b> Fla. Stat. § 775.15			✓	(15) (a) In addition to the time periods prescribed in this section, a prosecution for any of the following offenses may be commenced within 1 year after the date on which the identity of the accused is established, or should have been established by the exercise of due diligence, through the analysis of deoxyribonucleic acid (DNA) evidence, if a sufficient portion of the evidence collected at the time of the original investigation and tested for DNA is preserved and available for testing by the accused: <ul style="list-style-type: none"> <li>1. An offense of sexual battery under chapter 794.</li> <li>2. A lewd or lascivious offense under s. 800.04 or s. 825.1025.</li> </ul> (b) This subsection applies to any offense that is not otherwise barred from prosecution between July 1, 2004, and June 30, 2006. <p>(16) (a) In addition to the time periods prescribed in this section, a prosecution for any of the following offenses may be commenced at any time after the date on which the identity of the accused is established, or should have been established by the exercise of due diligence, through the analysis of deoxyribonucleic acid (DNA) evidence, if a sufficient portion of the evidence collected at the time of the original investigation and tested for DNA is preserved and available for testing by the accused:</p>

<sup>3</sup> Provided that if the prosecution is for 2nd degree sexual assault and victim is 13 or older but under 16 and offender is more than 3 years older, the victim notified such police officer or state's attorney not later than five years after the commission of the offense.

<sup>4</sup> So long as prosecution is not based solely on the victim's memory, if recovered through psychotherapy without independent evidence.

<sup>5</sup> The period of limitation shall not begin to run for 1<sup>st</sup> degree sexual abuse of a ward (D.C. Code § 22-3013) or 2nd degree sexual abuse of a ward (D.C. Code § 22-3014) until the victim is no longer a ward. The period of limitation shall not begin to run for 1st sexual abuse of a patient or client (D.C. Code § 22-3015) or 2<sup>nd</sup> degree sexual abuse of a patient or client (D.C. Code § 22-3016) until the victim is no longer a patient or client of the actor.

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			<ol style="list-style-type: none"> <li>1. Aggravated battery or any felony battery offense under chapter 784.</li> <li>2. Kidnapping under s. 787.01 or false imprisonment under s. 787.02.</li> <li>3. An offense of sexual battery under chapter 794.</li> <li>4. A lewd or lascivious offense under s. 800.04, s. 825.1025, or s. 847.0135(5).</li> <li>5. A burglary offense under s. 810.02.</li> <li>6. A robbery offense under s. 812.13, s. 812.131, or s. 812.135.</li> <li>7. Carjacking under s. 812.133.</li> <li>8. Aggravated child abuse under s. 827.03.</li> </ol> <p>(b) This subsection applies to any offense that is not otherwise barred from prosecution on or after July 1, 2006.</p>
	Sexual battery, if victim under 18 years	None	
	Sexual battery with threat/force	4 years <sup>6,7</sup>	
	Other sexual battery	3 years	
<b>Georgia</b> Ga. Code §§ 17-3-1, 17-3-2.1			<p>✓ (c-1) A prosecution for the following offenses may be commenced <b>at any time</b> when deoxyribonucleic acid (DNA) evidence is used to establish the identity of the accused:</p> <ol style="list-style-type: none"> <li>(1) Armed robbery, as defined in Code Section 16-8-41;</li> <li>(2) Kidnapping, as defined in Code Section 16-5-40;</li> <li>(3) Rape, as defined in Code Section 16-6-1;</li> <li>(4) Aggravated child molestation, as defined in Code Section 16-6-4;</li> <li>(5) Aggravated sodomy, as defined in Code Section 16-6-2; or</li> <li>(6) Aggravated sexual battery, as defined in Code Section 16-6-22.2;</li> </ol> <p>provided, however, that a sufficient portion of the physical evidence tested for DNA is preserved and available for testing by the accused and provided, further, that if the DNA evidence does not establish the identity of the accused, the limitation on prosecution shall be as</p>

<sup>6</sup> If the victim was under 18 at the time the offense was committed, the applicable period of limitation does not begin to run until victim has reached the age of 18 or the offense is reported to a law enforcement agency, whichever occurs first.

<sup>7</sup> If the victim was 18 or older at the time of commission of the offense and the offense was reported to law enforcement within 72 hours after its commission, there is no statute of limitations; if the offense was not reported within 72 hours after its commission, the prosecution must be commenced within the original statute of limitations.

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				provided in subsections (b) and (c) of this Code section.
	Sexual assault against a minor, committed after July 1, 2012	None		
	Sexual assault against a minor, committed before July 1, 2012	7 years after victim turns 16 or the violation is reported to authorities, whichever occurs earlier		
	Forcible rape	15 years		
<b>Hawaii</b> Haw. Rev. Stat. § 701-108			✓	(3) If the period prescribed in subsection (2) has expired, a prosecution may nevertheless be commenced for: ... (c) Any felony offense involving evidence containing deoxyribonucleic acid from the offender, if a test confirming the presence of deoxyribonucleic acid is performed prior to expiration of the period of limitation prescribed in subsection (2), but in no case shall this provision extend the period of limitation by more <b>than ten years from the expiration of the period of limitation</b> prescribed in subsection (2).
	Sexual assault, class A	6 years		
	Sexual assault against a minor	3-6 years		
	Other sexual assault	3 years		
<b>Idaho</b> Idaho Code §§ 19-401, 402				
	Rape; Sexual abuse of a child	None		
	Sexual abuse	5 years		
	Ritualized abuse of a child	3 years after disclosure		
<b>Illinois</b> 720 Ill. Comp. Stat. 5/3-5, 5/3-6			✓	(a) A prosecution for: . . . any offense involving sexual conduct or sexual penetration, as defined by Section 11-0.1 of this Code which the DNA profile of the offender is obtained and entered into a DNA

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				database within 10 years after the commission of the offense, <b>may be commenced at any time</b> . Clause (2) of this subsection (a) applies if either: (i) the victim reported the offense to law enforcement authorities within 3 years after the commission of the offense unless a longer period for reporting the offense to law enforcement authorities is provided in Section 3-6 or (ii) the victim is murdered during the course of the offense or within 2 years after the commission of the offense.
	Sexual abuse/assault against a minor	20 years after victim turns 18		
	Sexual abuse/assault <sup>8</sup>	10 years (as long as victim reported offense within 3 years); otherwise, 3 years		
<b>Indiana</b> Ind. Code § 35-41-4-2			✓	(b) A prosecution for a Class B or Class C felony (for a crime committed before July 1, 2014) or a Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014) that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state: (1) first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis; or (2) could have discovered evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis by the exercise of due diligence.
	Rape (class A, level 1, 2)	None		
	Rape (class B, C, D, level 3, 4, 5, 6)	5 years		
	Listed sex offenses against children <sup>9</sup>	Until victim turns 31		
	Other sex offenses against children	Within 10 years of		

<sup>8</sup> For any offense involving sexual conduct or sexual penetration where the defendant was within a professional or fiduciary relationship or a purported professional or fiduciary relationship with the victim at the time of the commission of the offense may be commenced within 1 year after the discovery of the offense by the victim.

<sup>9</sup> Ind. Code § 35-42-4-3(a) (Child molesting); Ind. Code § 35-42-4-5 (Vicarious sexual gratification); Ind. Code § 35-42-4-6 (Child solicitation); Ind. Code § 35-42-4-7 (Child seduction); Ind. Code § 35-46-1-3 (Incest).

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		commission or 4 years after the person ceases to be a dependent of the perpetrator, whichever is later		
<p><b>Iowa</b> Iowa Code § 802.2</p>			✓	<p>1. An information or indictment for sexual abuse in the first, second, or third degree committed on or with a person who is under the age of eighteen years shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found <b>within three years from the date the person is identified by the person's DNA profile</b>, whichever is later.</p> <p>2. An information or indictment for any other sexual abuse in the first, second, or third degree shall be found within ten years after its commission, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found <b>within three years from the date the person is identified by the person's DNA profile</b>, whichever is later.</p>
	Sexual abuse of a minor	10 years after victim turns 18		
	Sexual abuse	10 years		
<p><b>Kansas</b> Kan. Stat. Ann. § 21-5107</p>			✓	<p>(c) Except as provided in subsection (e), a prosecution for a sexually violent offense as defined in K.S.A. 22-3717, and amendments thereto, shall be commenced within the limitation of time provided by the law pertaining to such offense or <b>one year from the date on which the</b></p>

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				<b>identity of the suspect is conclusively established by DNA testing, whichever is later.</b>
	Rape	None		
	Sexually violent crimes against a minor <sup>10</sup>	10 years after victim turns 18		
	Sexually violent crimes <sup>11</sup>	10 years		
<b>Kentucky</b> Ky. Rev. Stat. § 500.050				
	Rape; Felony sex abuse	None		
	Misdemeanor sex abuse with minor	5 years after victim turns 18		
	Misdemeanor sex abuse	1 year		
<b>Louisiana</b> La. Code Crim. Proc. arts. 571, 571.1, 572			✓	(1) Notwithstanding the provisions of Article 571.1 and Paragraph A of this Article, prosecutions for any sex offense may be commenced beyond the time limitations set forth in this Title if the identity of the offender is established after the expiration of such time limitation through the use of a DNA profile. (2) A prosecution under the exception provided by this Paragraph shall be commenced <b>within three years from the date on which the identity of the suspect is established by DNA testing.</b>
	Forcible rape	None		
	Sexual offenses against a minor	30 years after victim turns 18		
	Sexual offenses	30 years		
<b>Maine</b> Me. Rev. Stat. tit. 17-A, § 8				
	If victim is under 16: Gross sexual assault; Rape; Incest: Unlawful	None		

<sup>10</sup> The statute of limitations is tolled when (A) The victim was a child under 15 years of age at the time of the crime; (B) the victim was of such age or intelligence that the victim was unable to determine that the acts constituted a crime; (C) the victim was prevented by a parent or other legal authority from making known to law enforcement authorities the fact of the crime whether or not the parent or other legal authority is the accused; and (D) there is substantially competent expert testimony indicating the victim psychologically repressed such witness' memory of the fact of the crime, and in the expert's professional opinion the recall of such memory is accurate and free of undue manipulation, and substantial corroborating evidence can be produced in support of the allegations contained in the complaint or information but in no event may a prosecution be commenced as later than the date the victim turns 28 years of age. Corroborating evidence may include, but is not limited to, evidence the defendant committed similar acts against other persons or evidence of contemporaneous physical manifestations of the crime.

<sup>11</sup> Same as above.

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	sexual contact; Sexual abuse			
	Unlawful sexual contact; Gross sexual assault (class A, B, or C)	8 years		
	Sexual offense (class D or E)	3 years		
<b>Maryland</b>				
Md. Code, Cts. & Jud. Proc. §§ 5-106, 117				
	Felony sexual offense or misdemeanor punished by imprisonment in a penitentiary	None <sup>12</sup>		
	Other misdemeanor sex offense	1 year		
<b>Massachusetts</b>				
Mass. Gen. Laws ch. 277, § 63				
	Rape or abuse of a child under 16	None <sup>13</sup>		
	Rape	15 years		
	Other sexual offenses	6 years		
<b>Michigan</b>				
Mich. Comp. Laws § 767.24				
			✓	(2)(b) If evidence of the offense is obtained and that evidence contains DNA that is determined to be from an unidentified individual, an indictment against that individual for the offense may be found and filed at any time after the offense is committed. However, after the individual is identified, the indictment may be found and filed within 10 years after the individual is identified or by the alleged victim's twenty-first birthday, whichever is later.
	Criminal sexual conduct (1 <sup>st</sup> degree)	None		
	Criminal sexual conduct (2 <sup>nd</sup> - 4 <sup>th</sup> degrees)	10 years (or by the victim's 21 birthday, whichever is		

<sup>12</sup> *Smallwood v. State*, 443 A.2d 512, 1006 (Md. 1996).

<sup>13</sup> Any indictment or complaint found and filed more than 27 years after the date of commission of such offense must be supported by independent evidence that corroborates the victim's allegation.

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		later)		
<b>Minnesota</b> Minn. Stat. § 628.26			✓	(f) Notwithstanding the limitations in paragraph (e), indictments or complaints for violation of sections 609.342 to 609.344 [criminal sexual conduct (1st, 2nd, and 3rd degree)] may be found or made and filed in the proper court at any time after commission of the offense, if physical evidence is collected and preserved that is capable of being tested for its DNA characteristics. If this evidence is not collected and preserved and the victim was 18 years old or older at the time of the offense, the prosecution must be commenced within nine years after the commission of the offense. ... (n) The limitations period contained in this section shall not include any period of time during which physical evidence relating to the offense was undergoing DNA analysis, unless the defendant demonstrates that the prosecuting or law enforcement agency purposefully delayed the DNA analysis process in order to gain an unfair advantage.
	Criminal sexual conduct with a minor	9 years after commission of the offense or within 3 years after the offense was reported to authorities, whichever is later		
	Criminal sexual conduct	3 years <sup>14</sup>		
<b>Mississippi</b> Miss. Code Ann. § 99-1-5				
	Rape (including statutory rape); Sexual battery of a child	None		
	Other sexual offenses	2 years		

<sup>14</sup> The limitations periods shall not include any period of time during which physical evidence relating to the offense was undergoing DNA analysis, as defined in section Minn. Stat. § 299C.155, unless the defendant demonstrates that the prosecuting or law enforcement agency purposefully delayed the DNA analysis process in order to gain an unfair advantage.

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<b>Missouri</b>				
Mo. Rev. Stat. §§ 556.036, 556.037				
	Forcible rape	None		
	Other sexual offenses involving a minor	30 years after victim turns 18		
	Other sexual offenses	2 years		
<b>Montana</b>			✓	(b)(9) If a suspect is conclusively identified by DNA testing after a time period prescribed in subsection (1)(b) or (1)(c) has expired, a <b>prosecution may be commenced within one year after the suspect is conclusively identified by DNA testing.</b>
Mont. Code § 45-1-205				
	Sexual assault against a minor	10 years after victim turns 18		
	Sexual assault; Sexual intercourse without consent	10 years		
	Other felony sexual offense	5 years		
<b>Nebraska</b>				
Neb. Rev. Stat. § 29-110				
	Sexual assault (1 <sup>st</sup> or 2 <sup>nd</sup> degree); Sexual assault of a minor (1 <sup>st</sup> or 2 <sup>nd</sup> degree); Sexual assault of a minor (3 <sup>rd</sup> degree), if victim under 16; Incest	None		
	Other felony sexual offenses	3 years		
<b>Nevada</b>				
Nev. Rev. Stat. Ann. §§ 171.083 , 171.085, 171.095				
	Sexual assault, if written report made before statute of limitations expires	None		
	Child sexual abuse	Before the victim turns 21, if victim		

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		discovered or should have discovered she was a victim, otherwise age 28		
	Sexual assault	4 years		
<b>New Hampshire</b> N.H. Rev. Stat. § 625:8				
	Sexual assault if victim is under 18	22 years after victim turns 18		
	Sexual assault	6 years		
<b>New Jersey</b> N.J. Stat. Ann. § 2C:1-6			✓	(c) An offense is committed either when every element occurs or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed, except that when the prosecution is supported by physical evidence that identifies the actor by means of DNA testing or fingerprint analysis, <b>time does not start to run until the State is in possession of both the physical evidence and the DNA or fingerprint evidence necessary to establish the identification of the actor by means of comparison to the physical evidence.</b>
	Sexual assault	None		
	Other sexual offenses	5 years		
<b>New Mexico</b> N.M. Stat. Ann. § 30-1-8, 30-1-9.1, 30-1-9.2			✓	(A) When DNA evidence is available and a suspect has not been identified, the applicable time period for commencing a prosecution pursuant to Section 30-1-8 NMSA 1978 [statute of limitations] <b>shall not commence to run</b> for an alleged violation of Section 30-9-11 NMSA 1978 [criminal sexual penetration] <b>until a DNA profile is matched with a suspect.</b>
	Criminal sexual penetration resulting in bodily harm or victim	None		

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	under 13 (1 <sup>st</sup> degree)			
	Criminal sexual penetration (2 <sup>nd</sup> degree)	6 years <sup>15</sup>		
	Criminal sexual penetration (3 <sup>rd</sup> and 4 <sup>th</sup> degrees)	5 years <sup>16</sup>		
<b>New York</b> <sup>17</sup> N.Y. Crim. Pro. Law § 30.10			✓	
	Rape; Criminal sexual act; Aggravated sexual abuse; Course of sexual conduct against a child	None		
	Other felony sex offenses	5 years		
<b>North Carolina</b> <i>State v. Hardin</i> , 201 S.E.2d 74 (N.C. Ct. App. 1973)				
	Rape; Other felony sexual offenses	None		
<b>North Dakota</b> N.D. Cent. Code, §§ 29-04-02.1, 29-03.1, 29-03.2, 29.04.02				
	Sexual abuse of minor	7 years or 3 years after report is made <sup>18</sup>		
	Gross sexual imposition, if serious bodily injury	7 years		
	Other felony sex offenses	3 years		
<b>Ohio</b> Ohio Rev. Code Ann. § 2901.13				

<sup>15</sup> If the victim was under 18 during the commission of the crime, the statute will not run until the victim reaches age 18 or the violation is reported to a law enforcement agency, whichever occurs first.

<sup>16</sup> If the victim was under 18 during the commission of the crime, the statute will not run until the victim reaches age 18 or the violation is reported to a law enforcement agency, whichever occurs first.

<sup>17</sup> Although New York does not have a statutory DNA exception, the common law suggests its existence in certain cases. *See People v. Ramos*, 877 N.Y.S.2d 177 (N.Y. App. Div. 2009) (extending the 5 year statute of limitation to 10 years, noting that the defendants whereabouts were unknown until he was identified through a DNA profile match from a rape kit); *People v. Brown*, 890 N.Y.S.2d 415 (N.Y. App. Ct. 2009) (allowing an action to continue though the complaint was filed well beyond the 5 year statute of limitations because recent DNA evidence made the defendants identity known).

<sup>18</sup> If victim is under 15, the statute of limitations will not run until victim reaches age 15. N.D. Cent. Code § 29-04-03.2

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	Unlawful sexual conduct with a minor	20 years after victim turns 18 or after notification to authorities		
	Rape; Sexual battery; Gross sexual imposition	20 years		
<b>Oklahoma</b> 22 Okla. Stat. tit. 22, § 152			✓	2. However, prosecutions for the crimes listed in paragraph 1 of this subsection may be commenced at any time after the commission of the offense if: <ul style="list-style-type: none"> <li>a. the victim notified law enforcement within twelve (12) years after the discovery of the crime</li> <li>b. physical evidence is collected and preserved that is capable of being tested to obtain a profile from deoxyribonucleic acid (DNA), and</li> <li>c. the identity of the offender is subsequently established through the use of a DNA profile using evidence listed in subparagraph b of this paragraph.</li> </ul> A prosecution under this exception must be commenced within three (3) years from the date on which the identity of the suspect is established by DNA testing.
	Lewd or indecent proposals or acts against children	12 years after discovery <sup>19</sup>		
	Rape; Forcible sodomy	12 years		
<b>Oregon</b> Or. Rev. Stat. § 131.125			✓	(8) Notwithstanding subsection (2) of this section, if the defendant is identified after the period described in subsection (2) of this section on the basis of DNA (deoxyribonucleic acid) sample comparisons, a prosecution for: <ul style="list-style-type: none"> <li>(a) Rape in the first degree, sodomy in the first degree, unlawful sexual penetration in the first degree or sexual abuse in the first degree <b>may be commenced at any time after the commission of the crime.</b></li> <li>(b) Rape in the second degree, sodomy in the second degree or unlawful sexual penetration in the second degree <b>may be commenced within 25 years after the commission of the crime.</b></li> </ul> (9) Notwithstanding subsection (8) of this section, if a prosecution for a

<sup>19</sup> “Discovery” means the date a victim under 18 is reports the crime to a law enforcement agency, up to and including one year after the victim turns 18.

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				felony listed in subsection (8) of this section would otherwise be barred by subsection (2) of this section, the prosecution must be commenced within two years of the DNA-based identification of the defendant.
	Rape or sexual abuse of a minor	Before the victim turns 30 or within 12 years after the offense is reported to authorities, whichever occurs first		
	Rape; Sodomy; Unlawful penetration; Sexual abuse	6 years		
<b>Pennsylvania</b> 42 Pa. Cons. Stat. § 5552			✓	(c-1) Notwithstanding any provision of law to the contrary, if evidence of a misdemeanor sexual offense set forth in subsection (c)(3) or a felony offense is obtained containing human deoxyribonucleic acid (DNA) which is subsequently used to identify an otherwise unidentified individual as the perpetrator of the offense, the prosecution of the offense may be commenced <b>within the period of limitations provided for the offense or one year after the identity of the individual is determined, whichever is later.</b>
	Sex offenses against a minor victim	Until victim turns 50		
	Rape; Sexual assault; Sexual abuse; Deviant sexual intercourse	12 years		
<b>Rhode Island</b> R.I. Gen. Laws § 12-12-17				
	Rape; Sexual assault (1 <sup>st</sup> degree); Child molestation (1 <sup>st</sup> and 2 <sup>nd</sup> degree)	None		
	Other sex assault	3 years		
<b>South Carolina</b>				
	Any criminal prosecution	None		
<b>South Dakota</b> S.D. Codified Laws §§ 22-22-1, 23A-42-2				

**Statute of Limitations for Sexual Assault Offenses**

	Rape (1st and 2 <sup>nd</sup> degree)	None		
	Rape (3 <sup>rd</sup> and 4 <sup>th</sup> degree)	Before victim turns 25 or within 7 years of the commission of the crime, whichever is longer		
	Other sex offenses	7 years		
<b>Tennessee<sup>20</sup></b> Tenn. Code Ann. § 40-2-101				
	Child victim, prior to July 1, 1997: Aggravated rape; Rape; Aggravated sexual battery; Sexual battery; Incest	Until age 18 or 4 years after offense, whichever is later		
	Child victim between July 1, 1997- June 2006: Aggravated rape; Rape; Aggravated sexual battery; Sexual battery; Incest	Until age 21		
	Child victim on or after June 2006: Aggravated rape; Rape; Aggravated sexual battery; Sexual battery; Incest	25 years after age 18		
	Aggravated rape	15 years		
	Rape; Aggravated sexual battery	8 years		
	Other sexual offenses	4-2 years		
<b>Texas</b> Tex. Code Crim. Proc. art. 12.01			✓	[F]elony indictments may be presented within these limits, and not afterward:

<sup>20</sup> The Tennessee legislature considered a bill that would allow for the prosecution of aggravated rape, rape, aggravated rape of a child, rape of a child, aggravated sexual battery, and sexual battery to be commenced within a year of when DNA evidence established the identity of the accused. This bill assigned to subcommittee on 3/26/2013. See H.B 2685, S.B 2136, 107<sup>th</sup> Gen. Assemb., Reg. Sess. (Tenn. 2012).

**Statute of Limitations for Sexual Assault Offenses**

			(1) <b>no limitation:</b> ... (B) sexual assault, if during the investigation of the offense biological matter is collected and subjected to forensic DNA testing and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained;
	Sexual assault of a child; Abuse of a child	None	
	Sexual assault	10 years	
	Other felony sex offenses	3 years	
<p><b>Utah</b> Utah Code Ann. §§ 76-1-301, 76-1-302</p>			<p>✓ (2)(a) Prosecution for the offenses listed in Subsections 76-3-203.5(1)(c)(i)(A) through (BB) [habitually violent offenders] may be commenced at <b>any time if the identity of the person who committed the crime is unknown but DNA evidence is collected</b> that would identify the person at a later date <sup>21</sup></p> <p>(b) Subsection (2)(a) does not apply if the statute of limitations on a crime has run as of May 5, 2003, and no charges have been filed.</p> <p>(3) If the statute of limitations would have run but for the provisions of Subsection (2) and identification of a perpetrator is made through DNA, <b>a prosecution shall be commenced within one year of the discovery of the identity of the perpetrator.</b></p>
	Rape; Rape of a child; Object rape; Object rape of a child; Forcible sodomy; Sodomy on a child; Aggravated sexual abuse of a child; Sexual abuse of a child; Aggravated sexual assault	None	
	Forcible sexual abuse; Incest	Within 8 years after the offense is committed, provided that	

<sup>21</sup> The above provision does not apply if the statute of limitations on an offense has run as of May 5, 2003, and no charges have been filed

**Statute of Limitations for Sexual Assault Offenses**

		the offense was reported to a law enforcement agency within 4 years after commission of the offense		
	Other felonies	4 years		
<b>Vermont</b> Vt. Stat. Ann. tit. 13, § 4501				
	Aggravated sexual assault; Aggravated sexual assault against a child	None		
	Sexual assault of a minor	Within 40 years of the assault		
	Sexual assault; Sexual abuse against a vulnerable person	6 years		
<b>Virginia</b> Va. Code Ann. § 19.2-8				
	Felony criminal sexual assault	None		
<b>Washington</b> Wash. Rev. Code § 9A.04.080			✓	(j)(3) In any prosecution for a sex offense as defined in RCW 9.94A.030, the periods of limitation prescribed in subsection (1) of this section run from the date of commission or <b>one year from the date on which the identity of the suspect is conclusively established by deoxyribonucleic acid testing</b> , whichever is later.
	Rape of victim under 18 (1 <sup>st</sup> or 2 <sup>nd</sup> degree); Rape of a child (1 <sup>st</sup> , 2 <sup>nd</sup> or 3 <sup>rd</sup> degree)	Before victim turns 30		
	Rape (1 <sup>st</sup> or 2 <sup>nd</sup> degree)	10 years if reported to law		

**Statute of Limitations for Sexual Assault Offenses**

		enforcement within 1 year of commission		
	Rape (1 <sup>st</sup> or 2 <sup>nd</sup> degree), if not reported within 1 year	If victim age 14 or older: within 3 years of commission. If victim under 14 years: 3 years after victim turns 18, or 7 years after commission, whichever is later		
	Other felony sex offenses	6-3 years		
<b>West Virginia</b>				
W. Va. Code § 61-11-9				
	Felony sex offense	None		
	Misdemeanor sex offense	1 year		
<b>Wisconsin</b> Wis. Stat. § 939.74			✓	(2d) (c) If, before the applicable time limitation under sub. (1) or (2) (am), (c), or (cm) for commencing prosecution of a felony under ch. 940 [crimes against life and bodily security] or 948 [crimes against children], other than a felony specified in sub. (2) (a) [including sexual assault (1 <sup>st</sup> degree) and sexual assault of a child (1 <sup>st</sup> degree)], expires, the state collects biological material that is evidence of the identity of the person who committed the felony, identifies a deoxyribonucleic acid profile from the biological material, and compares the deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known persons, the state may commence prosecution of the person who is the source of the biological material for the felony or a crime that is related to the felony or both <b>within 12 months after comparison of the deoxyribonucleic acid profile relating to the felony results in a probable identification of the person</b> or within the applicable time under sub. (1) or (2), whichever is latest.

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			(e) If, within 6 years after commission of a felony specified under sub. (2) (a) [including sexual assault (1 <sup>st</sup> degree) and sexual assault of a child (1 <sup>st</sup> degree)], the state collects biological material that is evidence of the identity of the person who committed the felony, identifies a deoxyribonucleic acid profile from the biological material, and compares the deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known persons, the state may commence prosecution of the person who is the source of the biological material for a crime that is related to the felony <b>within 12 months after comparison of the deoxyribonucleic acid profile relating to the felony results in a probable identification of the person</b> or within the applicable time under sub. (1) or (2), whichever is latest.
	Sexual assault (1 <sup>st</sup> degree); Sexual assault of a child (1 <sup>st</sup> degree)	None	
	Other listed sexual offenses against children	Before victim turns 45	
	Other felony sexual assault	6 years	
<b>Wyoming</b> <i>Boggs v. State</i> , 484 P.2d 711 (Wyo. 1971)			
	Any criminal prosecution	None	