

Statutes of Limitation for prosecuting rape and/or sexual assault

Note: The information contained here should be used as a general guideline only. Specific statutes may be verified with the Attorney General of each state or the local prosecutor's office. (Compiled Feb '03)

STATE	STATUTE OF LIMITATIONS	DNA EXCEPTION
Alabama	There is no period of limitation for the offense of rape.	N/A
Alaska	There is no period of limitation for the offense of sexual assault in the first or second degree, but at ten year limitation after the commission of a sexual assault in the third degree.	No.
Arizona	The prosecution of a felony sexual assault is to be commenced within seven years of its commission.	No.
Arkansas	The prosecution of a felony rape is to commence within six years after the commission of the offense.	The period of limitation of a felony rape may be extended to fifteen years during which extended time a prosecution for rape may be commenced if based upon forensic DNA testing, or other test which may become available through advances in technology.
California	The prosecution of an aggravated rape may be commenced at any time. The prosecution of a rape that is not aggravated must commence within six years after its commission.	The California Penal Code permits the prosecution of certain sex offenses within one year of the date on which the identity of the suspect is conclusively established by DNA testing, or within ten years of the offense, whichever is longer.
Colorado	Prosecution must commence within ten years after the commission of a sexual assault.	There is no statute of limitations in any case in which there is DNA evidence identifying the defendant, provided that the offense is reported within ten years of its commission.
Connecticut	The offense of sexual assault must be prosecuted within five years of its commission.	When DNA evidence is available, a person can be prosecuted no later than twenty years from the commission of the offense, provided that the offense is reported within five years of its commission.

**Statutes of Limitation
for prosecuting rape and/or sexual assault**

STATE	STATUTE OF LIMITATIONS	DNA EXCEPTION
Delaware	A prosecution of a rape in the first degree may be prosecuted at any time. Prosecution for rape in a lesser degree must be commenced within five years.	For any offense in which there is a limitation, prosecution may be commenced within ten years after it is committed if based on forensic DNA testing.
District of Columbia	Prosecution for any sexual abuse offense must be commenced within six years of its commission.	No.
Florida	Prosecution for sexual battery in the first degree must commence within four years of its commission.	No.
Georgia	Prosecution of the offense of forcible rape is to commence within fifteen years of its commission.	No.
Hawaii	Sexual assault in the first degree is to be prosecuted within six years of its commission. Sexual assault in the second and third degrees is to be prosecuted within three years of its commission.	No.
Idaho	No statute of limitation for the offense of rape.	N/A
Illinois	Prosecution for criminal sexual assault and aggravated sexual assault may be commenced within ten years of the commission of the offense if the victim reported the offense to law enforcement authorities within two years after the commission of the offense.	No.
Indiana	Prosecution for a Class A rape may be commenced at any time. Prosecution for a Class B rape is to be commenced within five years.	Prosecution for a Class B rape that would otherwise be barred may commence within one year after the earlier of the dates on which the state first discovers the identity of the offender with DNA evidence or could have discovered the identity of the offender with DNA evidence by the exercise of due diligence.

**Statutes of Limitation
for prosecuting rape and/or sexual assault**

STATE	STATUTE OF LIMITATIONS	DNA EXCEPTION
Iowa	Prosecution for sexual abuse in the first, second or third degree must commence within ten years after its commission.	No.
Kansas	Prosecution may commence within five years after the commission of a rape.	No.
Kentucky	The prosecution of a rape may be commenced at any time.	N/A
Louisiana	The offense of aggravated rape may be commenced at any time. The prosecution of a forcible rape is to be commenced within ten years. The prosecution of simple rape must be commenced within four years.	No.
Maine	The offense of gross sexual assault must be commenced within six years of its commission.	No.
Maryland	The prosecution of the offense of rape may commence at any time.	N/A
Massachusetts	Prosecution for rape must commence within fifteen years after the commission of the offense.	No.
Michigan	Prosecutions for criminal sexual conduct must be commenced within six years after the commission of the offense.	If DNA evidence from the offense is determined to be from an unidentified individual, an indictment may be found and filed at any time after the offense is committed. However, after the individual is identified, the indictment shall be found and filed within ten years after the individual is identified.
Minnesota	Prosecution of criminal sexual assault is to be commenced within nine years of its commission, but if the victim fails to report the offense within this limitation period, prosecution must commence within three years of reporting the offense.	If physical evidence is collected and preserved that is capable of being DNA tested, indictments may be found or filed at any time after the commission of the offense.

**Statutes of Limitation
for prosecuting rape and/or sexual assault**

STATE	STATUTE OF LIMITATIONS	DNA EXCEPTION
Mississippi	A prosecution for rape may be commenced at any time. The offense of sexual battery may be commenced within two years.	No.
Missouri	The prosecution of forcible rape may be commenced at any time. The offense of sexual assault must be commenced within three years of its commission.	No.
Montana	A prosecution for sexual intercourse without consent must be commenced within ten years after its commission.	No.
Nebraska	The offense of sexual assault must be prosecuted within seven years of its commission.	No.
Nevada	There is no prosecution limitation for the offense of sexual assault if a written report is filed with law enforcement during the period of limitation, which is four years after the commission of the offense.	No.
New Hampshire	The offense of aggravated felonious sexual assault must be commenced within six years after its commission.	No.
New Jersey	The prosecution of a sexual assault may be commenced at any time. A prosecution for aggravated sexual conduct must be commenced within five years after it is committed.	No.

**Statutes of Limitation
for prosecuting rape and/or sexual assault**

STATE	STATUTE OF LIMITATIONS	DNA EXCEPTION
New Mexico	The offense of criminal sexual penetration in the first degree may be prosecuted at any time. The offense of criminal sexual penetration in the second degree must be prosecuted within six years of its commission. The offense of criminal sexual penetration in the third and fourth degrees must be prosecuted within five years of its commission.	No.
New York	Prosecution for rape must commence within five years of its commission.	No.
North Carolina	The prosecution of rape may commence at any time.	N/A
North Dakota	Prosecution for any sexual assault must commence within three years of its commission.	No.
Ohio	The prosecution of the offense of sexual battery must commence within twenty years.	No.
Oklahoma	The prosecution of rape must commence within seven years of its commission.	No.
Oregon	Prosecution for rape from the first to third degree must be prosecuted within six years after its commission.	No.
Pennsylvania	Prosecution for the offense of rape must be commenced within five years of its commission.	No.
Rhode Island	No statute of limitations for first degree sexual assault. The statute of limitations for second degree sexual assault is three years.	No.
South Carolina	No statute of limitation for the offense of criminal sexual conduct.	N/A
South Dakota	The statute of limitation is seven years for rape.	No.

**Statutes of Limitation
for prosecuting rape and/or sexual assault**

STATE	STATUTE OF LIMITATIONS	DNA EXCEPTION
Tennessee	The offense of aggravated rape must be prosecuted within fifteen years. The offense of rape must be prosecuted within eight years. The offense of sexual battery must be prosecuted within two years.	No.
Texas	Prosecution of sexual assault shall be commenced within seven years of its commission.	There is no statute of limitation in the event that there is DNA evidence collected that does not match the victim or any other person whose identity is readily ascertained.
Utah	Prosecution for rape must be commenced within four years of it being committed.	No.
Vermont	Prosecution for aggravated sexual assault may be commenced at any time. Prosecutions for sexual assault shall be commenced within six years after the commission of the event.	No.
Virginia	Prosecution for rape may commence at any time.	N/A
Washington	A person may be prosecuted for rape ten years after it was committed if the rape is reported to a law enforcement agency within one year of its commission.	No.
West Virginia	No statute of limitations on sexual assault.	N/A
Wisconsin	Prosecution must be commenced within six years.	No.
Wyoming	No statute of limitations on sexual assault.	N/A