

Statutes of Limitation on Child Sexual Abuse

50 States and the District of Columbia

HELPFUL TERMINOLOGY

STATUTE OF LIMITATIONS:

A statute of limitations (or SOL), simply, is the maximum amount of time one has to bring a lawsuit. Most states today give a child sex abuse survivor at least until the “age of majority” (18-years-old in most states) to file a civil lawsuit, but they may give additional time as well. For example, a state may give a victim 5 years or even 35 years beyond the age of majority. Some states like Delaware and Florida, have eliminated the statute of limitations for child sex abuse altogether. Some states also have a discovery rule, described below.

TOLLING:

Under certain circumstances, a statute of limitations is “tolled.” In other words, the clock stops during this period of time. For example, a state may toll the statute of limitations if a perpetrator leaves the state until he or she returns.

DISCOVERY RULE:

Some states’ statutes of limitations do not begin to run until a claim “accrues.” Instead of the limitation period starting to run from the date of an actual injury or the age of majority, it begins to run from the date of “accrual.” In many states, in the context of claims of child sexual abuse, accrual does not occur until a victim “discovers” a link between current injuries and past harm. States vary greatly in applying this rule, and some do not use it altogether.

CIVIL V. CRIMINAL:

It is important to keep civil proceedings separate from criminal prosecutions. Civil claims are brought by victims to recover for their injuries. Criminal actions are brought by prosecutors and involve punishment prescribed by the state.

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CRIMINAL STATUTES OF LIMITATION ON CHILD SEXUAL ABUSE CLAIMS

<u>STATE</u>	<u>LIMITATIONS PERIODS</u>	<u>TOLLING</u>	<u>EXCEPTIONS</u>
Alabama	<p>None for victims abused when they were under 16</p> <p>3 years from the commission of the offense for 16-18</p> <p>1 year from the commission of the offense for misdemeanors</p>	No	No
Alaska	<p>None for victims abused when they were under 18 (felony charge)</p> <p>5 years from the commission of the offense for non-felony charge</p>	N/A	N/A
Arizona	<p>None for victims abused when they were under 15 or under 18 if the abuser is a parent, guardian, teacher or priest</p> <p>Discovery or discovery that should have occurred through the exercise of due diligence + 7 years for victims abused when they were under 18</p> <p>Discovery or discovery that should have occurred through the exercise of due diligence + 1 year for misdemeanors</p>	<p>Yes</p> <p>While offender's identity unknown</p> <p>When the accused is absent from the state or cannot be found within the state</p>	Yes
Arkansas	<p>Until victim turns 18 + 6 years for serious sexual felonies against a child</p>	<p>Yes</p> <p>While accused is continuously absent</p>	Yes

<u>STATE</u>	<u>LIMITATIONS PERIODS</u>	<u>TOLLING</u>	<u>EXCEPTIONS</u>
	Until victim turns 18 + 3 or 1 year(s) for all other offenses against a child	from state or cannot be found within the state	
California	Until victim turns 28 for felony sexual offenses against a child	No	Yes
Colorado	None for felony child sexual offenses Until victim turns 18 + 10 years for non-felony child sexual offenses 5 years from the commission of the offense for misdemeanor sexual offenses.	Yes 18 years old Up to 5 years if accused is absent from state	Yes
Connecticut	None for class A felonies Until victim turns 18 + 30 years or victim notifies law enforcement + 5 years , whichever comes first [this pertains to any child sex abuse offense that isn't a class A felony] 5 years from the commission of the offense for other felonies 1 year from the commission of the offense for misdemeanors	Yes 18 years old - plus 30 years or within 5 years from date victim notifies law enforcement (whichever is earlier) 5 years from the time a report is filed with a state law enforcement agency Statute is tolled if accused flees out of state. Filing of information for crime will toll SOL as to other felonies	Yes
Delaware	None	Yes While accused flees from justice During time of filing of information or indictment for same offense, even if	No

<u>STATE</u>	<u>LIMITATIONS PERIODS</u>	<u>TOLLING</u>	<u>EXCEPTIONS</u>
District of Columbia	<p>Until victim turns 21 + 15 years for 1st and 2nd degree child sex abuse</p> <p>Until victim turns 21 + 10 years for enticing a child for the purpose of committing felony sex abuse, using a minor in a sexual performance or promoting a sexual performance by a minor and incest</p> <p>10 years from commission of the offense for 3rd and 4th degree sexual abuse</p> <p>Until victim is no longer a patient or client + 10 years for 1st and 2nd degree sexual abuse of patient or client and other crimes</p> <p>Until victim is no longer a ward +10 years for 1st and 2nd degree sexual abuse of a ward</p>	<p>instrument is defective</p> <p>Yes</p> <p>Until victim is 21 years old</p> <p>While accused flees from justice When accused is being prosecuted for same conduct</p> <p>When prosecution is pending against accused for same offense in courts of jurisdiction</p>	Yes
Florida	<p><u>For All Claims Not Yet Time-Barred As Of July 1, 2010:</u></p> <p>None for 1st degree sexual battery (defined by Fla. Stat. § 794.011) for victims abused when they were under 18</p> <p>None for other charges of sexual battery (defined by Fla. Stat. § 794.011) for victims abused when they were under 16</p> <p>None for capital, and life felonies</p> <p><u>For Claims Barred Before July 1, 2010, The Time</u></p>	<p>Yes</p> <p>18 years old or until crime is reported to law enforcement, whichever is earlier</p>	Yes

<u>STATE</u>	<u>LIMITATIONS PERIODS</u>	<u>TOLLING</u>	<u>EXCEPTIONS</u>
	<p><u>Limits Were:</u></p> <p>Until victim turns 18 or discovery (whichever is earlier) + 4 years for 1st degree felonies</p> <p>Until victim turns 18 or discovery (whichever is earlier) + 3 years for 2nd and 3rd degree felonies</p> <p>Until victim turns 18 or discovery (whichever is earlier) + 2 year for misdemeanors</p>		
Georgia	<p>16 or discovery (whichever is earlier) + 7 years for child molestation, aggravated child molestation, enticing a child for indecent purposes and incest</p> <p><u>For The Rest:</u></p> <p>7 years from the commission of the offense for felonies</p> <p>2 years from the commission of the offense for misdemeanors</p>	<p>Yes</p> <p>16 years old or violation is reported to police (whichever is earlier)</p> <p>While accused is not a state resident</p> <p>Identity of the perpetrator is unknown</p>	Yes
Hawaii	<p>Until victim turns 18 + 6 years for class A felonies</p> <p>Until victim turns 18 + 3 years for others</p>	<p>Yes</p> <p>18 years old</p> <p>While accused is absent from state (4-year maximum)</p>	Yes
Idaho	<p>None for victims abused under 16, or for victims raped under 18</p> <p>5 years from the commission of the offense for other offenses</p>	<p>Yes</p> <p>While accused is continuously absent from state</p>	No

<u>STATE</u>	<u>LIMITATIONS PERIODS</u>	<u>TOLLING</u>	<u>EXCEPTIONS</u>
	3 years from the commission of the offense after reporting by the victim for certain offenses involving children and religious ceremonies		
Illinois	Until victim turns 18 + 20 years from commission of offense Until victim turns 18 + 10 years from commission of offense for misdemeanors	N/A	N/A
Indiana	None if offense committed with threats or use of deadly force (class A) (until the age of 31) 5 years from commission of the offense for other classes of felonies 2 years from commission of the offense for misdemeanors	Yes Fraudulent concealment While accused is absent from or concealed within state	Yes
Iowa	Until victim turns 18 + 10 years for 1 st , 2 nd , and 3 rd degree sexual abuse, incest, and sex exploitation by counselor, school employee, or therapist Until victim turns 18 + 3 years for others felonies	Yes 18 years old	Yes
Kansas	Age 15 + 5 years from the offense Or 5 years from date victim notifies law enforcement if victim was abused under age 15 and didn't know it was a crime or prevented from contacting law enforcement by guardians or psychological evidence of repressed memory	Yes While accused is absent from or concealed within state Concealment of facts Prosecution for same conduct	Yes

<u>STATE</u>	<u>LIMITATIONS PERIODS</u>	<u>TOLLING</u>	<u>EXCEPTIONS</u>
		If two or more of the following are present: Victim was under (i) 15 years old at time of offense; (ii) was of such an age that didn't know it was a crime; (iii) was prevented from going to law enforcement by guardians; (iv) there is psychological evidence that victim repressed memory	
Kentucky	None for felonies Until victim turns 18 + 5 years for misdemeanors	Yes 18 years old	No
Louisiana	Until victim turns 18 + 30 years for victims abused under 17	Yes 18 years old	Yes
Maine	None for victims abused under 16 <u>For Victims Over 16:</u> 6 years from commission of the offense for class A, B, and C crimes 3 years from the commission of the offense for class D and E crimes	Yes While accused is absent from state During any time prosecution is pending for the same crime in the state	Yes
Maryland	None for felonies 1 year from commission of offense for misdemeanors	No	No

<u>STATE</u>	<u>LIMITATIONS PERIODS</u>	<u>TOLLING</u>	<u>EXCEPTIONS</u>
Massachusetts	None where victim was abused under 16	Yes 16 years old or until crime is reported to law enforcement (whichever comes first) While accused is absent from state	Yes
Michigan	None for 1 st degree crimes 10 years from commission of the offense or the victim's 21st birthday (whichever is later) for 2 nd , 3 rd , and 4 th degree sexual conduct, and assault with intent to commit sexual conduct 6 years from commission of the offense for other crimes	Yes While accused is absent from state but cannot extend beyond victim's 21 st birthday if limited by that provision	Yes
Minnesota	None if DNA evidence preserved Until victim turns 18 + 9 years without DNA evidence Or Until victim turns 18 + 3 years from the date the crime is reported	Yes Coercion tolls if victim is prevented from reporting While accused is absent from or not usually resident of state While accused is participating in pre-trial diversion program relating to offense	No
Mississippi	None if (1) victim was abused during ages 14-16 and offender is 3 years older; (2) victim was abused under 14 and offender 2 years older; (3) victim was abused under 18 and abuser is in a position of authority or trust; or (4) involving touching or handling of children for lustful purposes	Yes While accused flees justice, is absent from state, or is concealed within state	No

<u>STATE</u>	<u>LIMITATIONS PERIODS</u>	<u>TOLLING</u>	<u>EXCEPTIONS</u>
	2 years from commission of the offense for others		
Missouri	18 + 20 years for most offenses None for most serious offenses, including rape and forced sodomy	Yes 18 years old While accused is absent from state (3 year max) While accused is concealed within state While accused is mentally unfit for trial While accused is being prosecuted in the state	Yes
Montana	Until victim turns 18 + 10 years for felony sexual offenses Until victim turns 18 + 5 years for misdemeanor and other sex crimes committed against victims under 18	Yes 18 years old	Yes
Nebraska	None for 1st or 2nd degree sexual assault for victim of any age, or 3rd degree when victim was abused under the age of 16 16 + 7 years for other offenses against children [kidnapping, child abuse, pandering, debauching, false imprisonment, child pornography].	Yes While accused flees the jurisdiction	N/A
Nevada	4 years from commission of the offense for felony sexual assault	Yes If indictment or information is defective,	Yes

<u>STATE</u>	<u>LIMITATIONS PERIODS</u>	<u>TOLLING</u>	<u>EXCEPTIONS</u>
	<p>3 years from commission of the offense for other felonies</p> <p>2 years from commission of the offense for gross misdemeanors</p> <p>1 year from the commission of the offense for other misdemeanors</p>	another may be brought within 6 months	
New Hampshire	Until victim turns 18 + 22 years	<p>Yes</p> <p>While accused is continuously absent from state or prosecution is pending</p>	N/A
New Jersey	<p>None for sexual assault or aggravated sexual assault</p> <p>Until victim turns 18 + 5 years or discovery + 2 years (whichever is later) for all child sex abuse crimes</p>	<p>Yes</p> <p>SOL tolled when victim is under 18 at the time of the crime either until v reaches the age of 18 or 2 years from the date of discovery of the offense by v, whichever is later</p>	Yes
New Mexico	<p>None for 1st degree felonies</p> <p>Until victim turns 18 + 6 years for 2nd degree felonies</p> <p>Until victim turns 18 + 5 years for 3rd and 4th degree felonies</p> <p>2 years for misdemeanors</p>	<p>Yes</p> <p>18 years old or crime is reported to law enforcement (whichever comes first)</p> <p>While d in hiding or fleeing from state</p> <p>If accusatory instrument is defective, SOL is tolled until new instrument is presented (up to 5 years)</p>	Yes
New York	None for 1 st degree felonies	Yes	Yes

<u>STATE</u>	<u>LIMITATIONS PERIODS</u>	<u>TOLLING</u>	<u>EXCEPTIONS</u>
	<p>Until victim turns 18 + 5 years for all other felonies</p> <p>Until victim turns 18 + 2 years for misdemeanors</p>	<p>18 years old or reporting of crime to law enforcement (whichever is earlier)</p> <p>While accused is absent from or concealed within state</p>	
North Carolina	None	N/A	N/A
North Dakota	Until victim turns 15 + 7 years or report to law enforcement + 3 years	<p>Yes</p> <p>15 years old</p> <p>Until 3 years after crime is reported (if not reported within initial 7 years)</p> <p>While accused is absent from state</p>	No
Ohio	Until victim turns 18 + 20 years	<p>Yes</p> <p>18 years old or until reported to law enforcement</p> <p>While accused is absent from or concealed within state</p> <p>When corpus delicti remains undiscovered</p> <p>Prosecution is pending in state against accused for same conduct</p>	Yes
Oklahoma	Until victim turns 18 + 1 year or discovery + 12 years or (whichever is later) for felonies.	Yes	Yes

<u>STATE</u>	<u>LIMITATIONS PERIODS</u>	<u>TOLLING</u>	<u>EXCEPTIONS</u>
	<p>None if victim notifies law enforcement within 12 years after discovery of crime or if DNA evidence confirms identity of offender or other physical evidence (note: must be brought w/in 3 years of DNA identity match).</p> <p>Until victim turns 18 + 3 years for all other sex crimes</p>	<p>Until date crime is reported to law enforcement agency, up to and including 1 year from the 18th birthday of the victim.</p>	
Oregon	<p>Until victim turns 30 or report to law enforcement + 12 for felonies when victim was abused under 18.</p> <p>22 or report to law enforcement + 4 for misdemeanors against victims abused under 18.</p>	N/A	Yes
Pennsylvania	<p>Until victim turns 50</p>	<p>Yes</p> <p>Fraud - plus 1 year from discovery (up to 3 yrs after SOL has expired)</p>	Yes
Rhode Island	<p>None for 1st degree sexual assault, and 1st and 2nd degree child molestation</p> <p>3 years from commission of the offense for all other sex offenses</p>	No	No
South Carolina	<p>None</p>	N/A	N/A
South Dakota	<p>None for class A, B, and C felonies</p> <p>Until victim turns 25 or 7 years from offense for all other sex crimes</p>	<p>Yes</p> <p>25 years old or w/in 7 years of the offense, whichever is longer for rape and sexual contact with a victim under 16</p>	No

<u>STATE</u>	<u>LIMITATIONS PERIODS</u>	<u>TOLLING</u>	<u>EXCEPTIONS</u>
Tennessee	<p>Until victim turns 18 + 25 years for most severe sexual offenses committed after 06-20-2006 21 if committed on or after 07-01-1997 or 6-20-06</p> <p>Until victim turns 18 or 4 years after offense if committed between 11-01-1989 and 07-01-1997</p> <p><u>For offenses committed prior to 11-01-1989:</u></p> <p>15 years from commission of the offense for class A felonies</p> <p>8 years from commission of the offense for class B felonies</p> <p>4 years from commission of the offense for class C and D felonies</p> <p>2 years for class E felonies</p>	<p>Yes</p> <p>21 years old if committed on or after 07-01-1997 or 6-20-06 (depending on crime) (if the third point in this section is later, then later date applies)</p> <p>18 years old - plus 25 years for most severe sexual offenses committed after 06-20-2006</p> <p>18 years old or within 4 years of commission of offense if committed between 11-01-1989 and 07-01-1997</p> <p>For offenses prior to 11-1-1989, the SOL in effect at the time applies</p>	No
Texas	<p>None for most sex crimes against children</p> <p>10 years from commission of the offense for aggravated sexual assault and sexual assault</p> <p>Until victim turns 18 + 20 years if crime is sexual performance or kidnapping of a victim under age 17.</p> <p>3 years for all other felonies</p>	<p>Yes</p> <p>While accused is absent from state.</p>	Yes
Utah	<p>None for rape, sodomy, sexual abuse, and aggravated sexual abuse.</p> <p>8 years from commission of the offense for forcible sexual abuse and/or incest if reported within 4 years of the</p>	No	Yes

<u>STATE</u>	<u>LIMITATIONS PERIODS</u>	<u>TOLLING</u>	<u>EXCEPTIONS</u>
	<p>offense</p> <p>4 years from commission of the offense for all other felonies</p>		
Vermont	<p>None for aggravated sexual assault</p> <p>6 years from commission of the offense for sexual exploitation of child</p> <p>Until victim turns 24 or 10 years from date offense reported (whichever is sooner): sexual assault of a child.</p>	No	Yes
Virginia	<p>None for felonies</p> <p>1 year from commission of the offense for misdemeanors</p>	<p>Yes</p> <p>While accused is fleeing from jurisdiction or concealed in jurisdiction</p>	No
Washington	<p>Until victim turns 28 when victim was abused under age 14 and is reported within one year of offense.</p> <p>10 years from commission of the offense for victim raped over age 14 and is reported within one year of the offense.</p> <p>Until victim turns 18 + 3 years or 7 years from the date of the offense (whichever is later) for unreported victim raped under age 14.</p> <p>3 years from date of offense for unreported victim raped <i>over</i> 14 years old.</p> <p>Until victim turns 28 years old for most other sexual</p>	<p>Yes</p> <p>While accused is absent from state</p>	Yes

<u>STATE</u>	<u>LIMITATIONS PERIODS</u>	<u>TOLLING</u>	<u>EXCEPTIONS</u>
	offenses.		
West Virginia	<p>None for sexual assault, 1st degree sexual abuse, sexual abuse by parent, guardian, custodian, or person in a position of trust to child</p> <p>1 year from the commission of the offense for misdemeanors, including sexual abuse in the 3rd and 4th degree</p>	No	No
Wisconsin	<p>None for 1st degree sexual assault, or repeated class A or B felony offenses against the same child</p> <p>Until victim turns 45 when victim was under 18 at time of offense for 2nd degree sex assault, repeated class C felonies against same child, and sex assault against a child by school staff or person who volunteers to supervise child</p> <p>6 years from commission of offense for all other felonies</p> <p>3 years from commission of offense for other misdemeanors</p>	<p>Yes</p> <p>While offender is absent from state</p>	Yes
Wyoming	None	N/A	N/A

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