



STATUTE OF LIMITATIONS CRIMINAL SEXUAL CONDUCT

This fact sheet is intended as informational only. The decision about whether the statute of limitations has passed is complex, and depends on many factors. Advocates should never give advice or an opinion on whether the limitations time has passed - always consult your local county attorney or law enforcement for that information. Note: CSC means criminal sexual conduct

Current Statutes of Limitations for Criminal Sexual Conduct


References to adult or child mean the age of the victim *at the time of the offense*

<p><u>Today there is no statute of limitations if:</u></p>	<p>DNA evidence is collected & preserved; <u>and</u> the crime is 1st, 2nd or 3rd degree CSC; <u>and</u> the crime occurred on or after 8/1/00 or was still chargeable on 8/1/00; <u>or</u> the crime is kidnapping (regardless of DNA)</p>
<p>For all other criminal sexual offenses or if there is no DNA evidence collected:</p>	
<p>Child Victim</p>	<p>If the offense is 1st through 4th degree CSC, the complaint must be filed within the later of 9 years after the commission of the offense OR 3 years after the offense was reported to police (regardless of how old the victim is). If the offense is 5th degree CSC, the complaint must be filed within 3 years.</p>
<p>Adult Victim</p>	<p>If the offense is 1st through 3rd degree CSC, the complaint must be filed within 9 years If the offense is 4th or 5th degree CSC, the complaint must be filed within 3 years.</p>

Previous Statutes of Limitations for Criminal Sexual Conduct

Look at the date of offense, and see whether it carries forward with new statute changes

Date of Offense	Child (under 18)	Adult
On and before 7/31/82	3 Years	3 years
On 8/1/82 to 7/31/84	Intrafamilial = 7 years – <i>only</i> for offenses committed after 7/31/84 Non-Intrafamilial = 3 years	3 years
On 8/1/84 to 7/31/89	All felony CSC regardless of whether intrafamilial = 7 years – <i>only</i> for offenses committed after 7/31/84	3 years
On 8/1/89 to 7/31/91	CSC 1 st through 4 th degree = 7 years OR if not reported in that time, within 2 years of reporting to police but never after the victim's 25 th Birthday	3 years
On 8/1/91 to 6/30/95	CSC 1 st through 4 th = 7 years OR if not reported in that time, within 3 years of reporting to police with no age limit (regardless of age of victim at charging)	CSC 1 st – 3 rd = 7 years CSC 4 th – 5 th = 3 years
On 7/1/95 to 7/31/00	CSC 1 st through 4 th = 9 years or within 3 years of reporting to police	CSC 1 st – 3 rd = 9 years CSC 4 th – 5 th = 3 years
On 8/1/00 to 7/31/09	CSC 1 st through 3 rd with DNA collected/preserved – no statute of limitations CSC 1 st through 4 th = 9 years or within 3 years of reporting to police	CSC 1 st through 3 rd with DNA collected/preserved – no statute of limitations CSC 1 st – 3 rd = 9 years CSC 4 th – 5 th = 3 years
8/1/09 to present	CSC 1 st through 3 rd with DNA collected/preserved – no statute of limitations CSC 1 st through 4 th = <i>the later of</i> 9 years after the commission of the offense or 3 years after the offense was reported to police	CSC 1 st through 3 rd with DNA collected/preserved – no statute of limitations CSC 1 st – 3 rd = 9 years CSC 4 th – 5 th = 3 years

 This arrow indicates that the new statute of limitations is retroactive: It applies to any crime which occurred before the statute change. Thus, the new statute will look back at cases on which the statute of limitations has not run, and the prosecutor can carry them forward to charge them under the new, longer statute of limitations.

Other considerations for statutes of limitations

- See Minn. Stat. §628.26 (2009) for further information on statutes of limitations.
- Unless otherwise indicated, the statute of limitations begins running the date the offense was committed.
- The statute of limitations creates a time limit during which a prosecutor can file a complaint against an offender for a crime. It does not limit the time during which a survivor can report the crime to police.
- Even if the statute of limitations has already passed on a given crime, the survivor may want to consider reporting to police for a couple of reasons.
 - First, it may be cathartic to tell what happened and tell the offender’s name to the police. If the survivor is emotionally ready, it may be therapeutic for him/her to report the offender’s actions to police.
 - Second, if the offender has continued to sexually assault others, the survivor’s information might be useful to the police as evidence of other acts committed by the offender, even if this survivor’s case cannot go forward. The survivor could testify as a witness in a case regarding another sexual assault. Whether this is good for the survivor or useful to his/her recovery, of course, is up to the survivor to decide.
- If the offender is outside the state of Minnesota during the time of the statute of limitations period, the running of that time is “tolled,” or stopped. In other words, the clock ticking on the statute of limitations stops when the offender leaves Minnesota, and starts again when he/she comes back to the state.
- While the legislature has extended statutes of limitations on criminal sexual conduct offenses, the burden of proof still lies with the prosecutor to show that the offense occurred beyond a reasonable doubt. Thus, while some offenses could be charged many years after they occurred, the best scenario is for the survivor to report as soon as s/he is able. This gives the police time to interview witnesses while they still remember things well, gather forensic evidence such as is collected with the rape kit, and interview the offender before s/he has time to think of a good story. But in any event, it is always worthwhile to give an investigator the chance to gather evidence that proves the crime occurred.

SCENARIOS: For Illustrative Purposes Only (and to appreciate the complexity of SOL!)

Question	Answer
I received a call from an adult woman who was sexually abused by her step-father from 1992 to 1994. She was 12 through 14 years old, and she has never reported to police. Will the prosecutor still be able to charge the case?	Checking the fifth row down on the chart for Previous Statutes of Limitations, the limitations time in 1994 was extended to within 3 years of reporting to police, regardless of her age when she reports. Since she did not report within 7 years of the last offense (2001), this case can most likely be charged within 3 years of the date this woman reports to police.
What if this same victim <i>did</i> report to the police in 1999, but the case was never charged. With her teenage niece ready to report the same behavior by the offender, she would like to encourage the prosecutor to charge both cases?	This case happened when the statute of limitations was 7 years, but since this case was still “alive” in 1995 when the statute changed, the new statute of 9 years will apply. (note the arrow) Thus, this case had to be charged within 9 years of the last offense – or by 2003. However, if her niece reports a new assault, this woman’s information could be used as “prior acts” information to help prove the new assault. With her permission, notify law enforcement that there had been a previous report.

Question	Answer
<p>I met with a couple of sisters who were both sexually assaulted with forcible penetration by the same neighbor in January of 1991. They just discovered recently that both had been victimized, and decided to report him to police now. One sister was 15 at the time of the assault, and one was 18.</p>	<p>In the fourth row down on the previous Statutes of Limitations chart, we can see that if (as in this case) the report by the then 15 year old was not made to police within 7 years of the offense, the statute of limitations used to be 2 years from report and was limited by her 25th birthday (she is now 28). However, since her case was still “alive” in 1991 when the statute changed, her case is carried forward (note the arrow) into the next statute change, when that limitation as to her 25th birthday was removed. Thus, the case regarding the then 15 year old victim can still be charged by the prosecutor within 3 years of her report. However, regarding the then 18 year old victim, the statute of limitations has run. At the time the crime was committed, the limitation was 3 years, but that was carried forward in the statute passed in 1991 changing it to 7 years (1998 in her case). Then, when the statute changed again in 1995, the case was still “alive,” and a 9 year limit was imposed. Unfortunately, those 9 years ran in January of 2000, so the prosecutor will be unable to charge the offense regarding the then 18 year old. However, her report would help enormously to prove the case charged involving her sister.</p>
<p>I received a call from a victim who was sexually abused by her father in 2000 when she was 12 years old. She reported the incident to the police in 2009. How long does the prosecutor have to charge the case?</p>	<p>In 2000 (the year of the offense), the statute of limitations was 9 years after date of offense <i>or</i> 3 years after reporting to police. However, since this victim’s case was still alive in 2009 when the statute changed to the <i>later</i> of 9 years after the date of offense <i>or</i> 3 years after reporting to the police, the new statute of limitations could potentially apply to this case (depending on the date of offense). The statutory date change is as of 8/1/09 and applies to cases prior to that date if the statute of limitations has not already run .</p>

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