

State**Rape Statute****Statute of
Limitations*****DNA Exception**

Alabama	<p>§13A-6-61 – Rape 1st degree is a Class A felony.</p> <p>§13A-6-62 – Rape 2nd degree is a Class B felony</p>	<p>There is no period of limitations for the offense of rape.</p> <p>Kirby v. State, 500 So. 2d 79 (1986).</p>	
Alaska	<p>Alaska Stat. § 11.41.410 Sexual assault in the first degree is an unclassified felony.</p> <p>Sec. 11.41.420. Sexual assault in the second degree is a Class B felony.</p> <p>Sec. 11.41.425. Sexual assault in the third degree is a Class C felony.</p>	<p>§12.10.010 – W/in 10 yrs. after the commission of the offense.</p> <p>§12.10.020 – Offenses committed against someone under 18 may be commenced at any time.</p>	
Arizona	<p>§ 13-1406 - Sexual assault is a Class 2 felony.</p> <p>§13-1406.01 – A first offense sexual assault of a spouse is a Class 6 felony.</p>	<p>§13-107 – For a Class 2-6 felony seven yrs.</p>	
Arkansas	<p>§5-14-103 – Rape is a Class Y felony.</p>	<p>§5-1-109 – Class Y felonies; within 6 yrs. after the commission of the offense.</p>	<p>2001 AR H.B. 1423 – amends Arkansas code §5-1-109 to read that the time limit for class Y felonies is within 6 years after the commission of the offense EXCEPT rape for which the period of limitation may be extended to 15 years during which time a prosecution can be commenced if based on forensic DNA testing or other tests which may become available through advances in technology.</p> <p>LAST ACTION: Signed by governor on 3/19/01.</p>

*The following research was conducted focusing on adult sexual assault victims. The statute of limitations pertaining to sexual assault victims who are minors was not included. Note, the majority of jurisdictions have exceptions to their statute of limitations when the victim is a child.

State	Rape Statute	Statute of Limitations*	DNA Exception
California	<p>Cal Pen Code § 261</p> <p>(a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:</p> <p>(1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.</p> <p>(2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.</p> <p>(3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.</p> <p>(4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:</p> <p>(A) Was unconscious or asleep.</p> <p>(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.</p> <p>(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.</p> <p>(5) Where a person submits under the belief that the person committing the act is the victim's spouse, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.</p> <p>(6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.</p> <p>(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official.</p> <p>Aggravated rape – punishable for life.</p>	<p>§ 264. Punishment for rape;</p> <p>(a) Rape, as defined in Section 261, is punishable by imprisonment in the state prison for three, six, or eight years.</p> <ul style="list-style-type: none"> • §799 -Offenses punishable by death or life imprisonment w/out parole may be commenced at any time. • §800 - Offenses punishable by imprisonment for 8 or more years may be commenced within 6 years after the commission of the offense. • §801 - Offenses punishable by imprisonment in state prison may be commenced within 3 years after the commission of the offense. 	<p>Cal. Pen Code §803 (2001);</p> <p>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 10 years of the offense, whichever is longer. The following conditions must be met:</p> <p>(A) For an offense committed prior to Jan. 1, 2001 – biological evidence collected in connection with the offense is analyzed for DNA type no later than Jan. 1, 2004.</p> <p>(B) For an offense committed on or after Jan. 1, 2001, biological evidence is analyzed no later than two years from the date of the offense.</p>
Colorado	§18-3-402 –	§16-5-401 (8)(a) The period	2001 CO H.B. 1344-

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	<p>Sexual assault in the 1st degree is a Class 3 felony.</p> <p>Sexual assault in the 1st degree is a Class 2 felony if: in the commission of the assault, the actor is aided or abetted by one or more persons; or the victim suffers serious bodily injury; or if the actor is armed & uses a deadly weapon.</p> <p>Sexual assault in the 2nd degree is a Class 4 felony.</p>	<p>of time during which a person may be prosecuted shall be 10 years after the commission of the offense.</p>	<p>Amends §16-5-401 to read: In any case in which the identity of the defendant is determined in whole or part by patterned chemical structure of genetic information and in which the offense has been reported to a law enforcement agency...within ten years after the commission of the offense, there shall be no limit on the period of time during which a person may prosecuted after the commission of the offense as to any offense charged. LAST ACTION: 6/15/01 – signed by governor</p>
<p>Connecticut</p>	<p>Sec. 53a-70. Sexual assault in the first degree: Class B felony.</p> <p>Sec. 53a-70a. Aggravated sexual assault in the first degree: Class B felony.</p> <p>Sec. 53a-70b. Sexual assault in spousal or cohabiting relationship: Class B felony.</p> <p>Sec. 53a-71. Sexual assault in the second degree: Class C felony.</p> <p>Sec. 53a-72a. Sexual assault in the third degree: Class D felony.</p> <p>3rd degree sexual assault (Class D felony).</p> <p>Sec. 53a-72b. Sexual assault in third degree with a firearm: Class C felony.</p> <p>Sec. 53a-73a. Sexual assault in fourth degree: Class A misdemeanor.</p>	<p>§54-193 – Capital felonies and Class A felonies – no limit.</p> <p>(b) If punishment is imprisonment of over one year – must be prosecuted within five years.</p> <p>(c) Any other offense – within one year.</p>	<p>§54-193b. Limitation of prosecution for sexual assault offenses when DNA evidence is available.</p> <p>Person can be prosecuted no later than twenty years from the commission of offense provided (1) the victim notified any police officer or state’s attorney acting in their official capacities 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 profile comparison using evidence collected at the time of the commission of the offense.</p>

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Delaware	<p>§773 – Rape in the 1st degree is a Class A felony.</p> <p>§772 – Rape in the 2nd degree is a Class B felony.</p> <p>§771 – Rape in the 3rd degree is a Class B felony.</p> <p>§770 – Rape in the 4th degree is a Class C felony.</p>	<p>11 Del. C. §205(a) – Prosecution of a class A felony may be commenced at any time.</p> <p>Prosecution for any other felony -- within 5 yrs.</p>	<p>11 Del. C. §205(i) – if period prescribed in other sections has expired, a prosecution for any offense in this title may be commenced within 10 years after it is committed if based on forensic DNA testing.</p>
District of Columbia	<p>D.C. Code § 22-4102. First degree sexual abuse –</p> <ol style="list-style-type: none"> (1) By using force against that other person; (2) By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping; (3) After rendering that other person unconscious; or (4) After administering to that other person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct. <p>§ 22-4103. Second degree sexual abuse -- if that person engages in or causes another person to engage in or submit to a sexual act in the following manner:</p> <ol style="list-style-type: none"> (1) By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or (2) Where the person knows or has reason to know that the other person is: 	<p>D.C. Code § 23-113 - Prosecution for a felony other than murder is barred if not commenced within six (6) years after it is committed.</p> <p>Prosecution for any other criminal offense is barred if not commenced within three (3) years after it is committed.</p>	

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	<p>(A) Incapable of appraising the nature of the conduct;</p> <p>(B) Incapable of declining participation in that sexual act; or</p> <p>(C) Incapable of communicating unwillingness to engage in that sexual act.</p>		
Florida	<p>Fla. Stat. 794.011 – A person over 18 or over who commits sexual battery upon a person less than 12 yrs. – <i>Capital felony</i>.</p> <p>A person less than 18 who commits sexual battery upon a person less than 12 yrs. – <i>Life Felony</i>.</p> <p>A person who commits sexual battery upon a person 12 or over, and uses a deadly weapon – <i>Life felony</i>.</p> <p>A person who commits sexual battery upon a person 12 or over, commits a <i>1st degree felony</i> when: The victim is physically helpless to resist; When the offender coerces with threats to use force or violence, or retaliate; When the offender administers an intoxicating substance that incapacitates the victim; etc.</p>	<p>§775.15 (1)(a) – Prosecution for a capital or life felony may be commenced at any time.</p> <p>(2)(a) – Prosecution for a felony of the 1st degree -- within 4 yrs.</p>	
Georgia	<p>O.C.G.A. §16-6-1 – Rape (a) A person commits the offense of rape when he has carnal knowledge of: (1) A female forcibly and against her will; or (2) A female who is less than 10.</p> <p>A person convicted of rape shall be punished by death, by imprisonment for life without parole, by imprisonment for life, or for not less than 10 years nor more than 20.</p>	<p>O.C.G.A. §17-3-1 – Prosecution for forcible rape – within 15 yrs.</p> <p>Prosecution for crimes punishable by death or life imprisonment – within 7 yrs.</p> <p>All other felonies – within 4 yrs.</p>	
Hawaii	<p>H.R.S. §707-730 Sexual assault in the 1st degree is a Class A felony.</p> <ul style="list-style-type: none"> • A person commits the offense of sexual assault in the first degree if: <ul style="list-style-type: none"> (a) The person knowingly subjects another person to an act of sexual penetration by 	<p>HRS §701-108 – Prosecution for a Class A felony – within 6yrs.</p> <p>All other felonies – within 3 yrs.</p>	

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	<p>strong compulsion; (b) The person knowingly subjects to sexual penetration another person who is less than fourteen years old.</p> <p>§ 707-731. Sexual assault in the second degree is a Class B felony. A person commits the offense of sexual assault in the second degree if the person knowingly subjects another person: (a) to an act of sexual penetration by compulsion; (b) who is mentally defective, mentally incapacitated, or physically helpless; (c) to sexual penetration an imprisoned person, a person confined to a detention facility, while employed in a state correctional facility or while employed as a law enforcement officer.</p> <p>§707-732. Sexual assault in the third degree is a Class C felony. A person commits the offense of sexual assault in the third degree if: (a) The person recklessly subjects another person to an act of sexual penetration by compulsion; (b) The person knowingly subjects to sexual contact another person who is less than fourteen years old; (c) The person knowingly subjects to sexual contact another person who is mentally defective, mentally incapacitated, or physically helpless; (d) The person, while employed in a state correctional facility, knowingly subjects to sexual contact an imprisoned person.</p>		
<p>Idaho</p>	<p>Idaho Code §18-6101 Rape is defined as the penetration, however slight, of the oral, anal or vaginal opening with the perpetrator's penis accomplished with a female under either of the following circumstances:</p> <ol style="list-style-type: none"> 1. Where the female is under the age of eighteen (18) years. 2. Where she is incapable, through any unsoundness of mind, whether temporary or permanent, of giving legal consent. 3. Where she resists but her resistance is overcome by force or violence. 4. Where she is prevented from resistance by threats of immediate and great bodily harm, accompanied by apparent power of execution; or by any intoxicating, narcotic, or anesthetic substance administered by or with the privity of the accused. 5. Where she is at the time unconscious of the nature of the act, and this is known to the accused. 6. Where she submits under the belief that the person committing the act is her husband, and the belief is induced by artifice, pretense or concealment practiced by the accused, with intent to induce such belief. 7. Where she submits under the belief, instilled by the actor, that is she does not 	<p>§ 19-402. (1) Prosecution for any felony other than murder --within five (5) years after its commission.</p> <p>NOTE: 2001 IDH.B. 290 proposes to change the statute of limitations for rape to no limitation of time. This was signed by the governor on 3/23/01.</p>	<p>2001 IDH.B. 248 – Amends §19-402 – prosecutions under §18-6101 must be commenced within one year from the establishment of the identity of the suspect through DNA testing or within the time prescribed in subsection (1) whichever is later.</p> <p>LAST ACTION: 6/15/01 – House Regular Session Adjourned with no carryover.</p>

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	<p>submit, the actor will cause physical harm to some person in the future; or cause damage to property; or engage in other conduct constituting a crime; or accuse any person of a crime or cause criminal charges to be instituted against her, or expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule.</p>		
<p>Illinois</p>	<p>§720 ILCS 5/12-13 – <i>Criminal sexual assault</i> is a Class 1 felony. (a) The accused commits criminal sexual assault if he or she: (1) commits an act of sexual penetration by the use of force or threat of force; or (2) commits an act of sexual penetration and the accused knew that the victim was unable to understand the nature of the act or was unable to give knowing consent; or (3) commits an act of sexual penetration with a victim who was under 18 when the act was committed and the accused was a family member; or (4) commits an act of sexual penetration with a victim who was at least 13 but under 18 when the act was committed and the accused was 17 and held a position of trust, authority or supervision in relation to the victim.</p> <p>§720 ILCS 5/14 – <i>Aggravated criminal sexual assault</i> is a Class X felony. Aggravated Criminal Sexual Assault. (a) The accused commits aggravated criminal sexual assault if he or she commits criminal sexual assault and any of the following aggravating circumstances existed during, or for the purposes of paragraph (7) of this subsection (a) as part of the same course of conduct as, the commission of the offense: (1) the accused displayed, threatened to use, or used a dangerous weapon, other than a firearm, or any object fashioned or utilized in such a manner as to lead the victim under the circumstances reasonably to believe it to be a dangerous weapon; or (2) the accused caused bodily harm, except as provided in subsection (a)(10), to the victim; or (3) the accused acted in such a manner as to threaten or endanger the life of the victim or any other person; or (4) the criminal sexual assault was perpetrated during the course of the commission or attempted commission of any other felony by the accused; or (5) the victim was 60 or over when the offense was committed; or (6) the victim was a physically handicapped person; or (7) the accused delivered to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance; or (8) the accused was armed with a firearm; or (9) the accused personally discharged a</p>	<p>§720 ILCS 5/3-5 - Prosecution w/in 3 yrs.</p> <p>Exception - §720 ILCS 5/3-6(i) - Prosecution for criminal sexual assault, aggravated criminal sexual assault may be commenced within 10 yrs. of the commission of the offense if the victim reported the offense to law enforcement authorities within 2 yrs. after the commission of the offense.</p>	

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	<p>firearm during the commission of the offense; or (10) the accused, during the commission of the offense, personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person. (b) The accused commits aggravated criminal sexual assault if the accused was under 17 and (i) commits an act of sexual penetration with a victim who was under 9 when the act was committed; or (ii) commits an act of sexual penetration with a victim who was at least 9 years of age but under 13 when the act was committed and the accused used force or threat of force to commit the act. (c) The accused commits aggravated criminal sexual assault if he or she commits an act of sexual penetration with a victim who was an institutionalized severely or profoundly mentally retarded person at the time the act was committed.</p>		
Indiana	<p>§ 35-42-4-1 – <i>Rape is a Class A felony if:</i> (1) it is committed by using or threatening the use of deadly force; (2) it is committed while armed with a deadly weapon; (3) it results in serious bodily injury to a; or (4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug.</p> <p><i>Rape is a Class B felony if:</i> (1) compelled by force or imminent threat of force; (2) victim is unaware that the sexual intercourse is occurring; or (3) victim is so mentally disabled or deficient that consent to sexual intercourse cannot be given.</p>	<p>§ 35-41-4-2 Prosecution for a Class A felony may be commenced at any time. Prosecution for a Class B, Class C, or Class D felony – within 5yrs.</p>	<p>2001 IN S.B. 80 Amends §53-42-4-2 to allow that a prosecution for a class B or class C felony that would otherwise be barred under that section to commence within one year after the earlier of the date on which the sate (1) first discovers the identity of the offender with DNA evidence or (2) could have discovered the identity of the offender with DNA evidence by the exercise of due diligence.</p> <p>LAST ACTION: 5/01/01 – signed by the governor. Effective 7/01/01.</p>
Iowa	<p>Iowa Code § 709.2 A person commits sexual abuse in the 1st degree when in the course of committing sexual abuse the person causes another serious injury. <i>Sexual abuse in the first degree is a class "A" felony.</i></p> <p>709.3 A person commits sexual abuse in the 2nd degree when the person commits sexual abuse under any of the</p>	<p>1999 Ia. HB 2420 – Prosecution for sexual abuse in the first, second, or third degree must commence within 10 yrs. after its commission.</p> <p>Signed by governor – 3/30/00.</p>	

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	<p>following circumstances:</p> <ol style="list-style-type: none"> 1. During the commission of sexual abuse the person displays in a threatening manner a dangerous weapon, or uses or threatens to use force creating a substantial risk of death or serious injury to any person. 2. The other participant is under 12. 3. The person is aided or abetted by one or more persons and the sex act is committed by force or against the will of the other participant. <p><i>Sexual abuse in the second degree is a class "B" felony.</i></p> <p>709.4 A person commits sexual abuse in the 3rd degree when the person performs a sex act under any of the following circumstances:</p> <ol style="list-style-type: none"> 1. The act is done by force or against the will of the other participant, whether or not the other participant is the person's spouse or is cohabiting with the person. 2. The act is between persons who are not at the time cohabiting as husband and wife and if any of the following are true: <ol style="list-style-type: none"> a. The other participant is suffering from a mental defect or incapacity which precludes giving consent. b. The other participant is 12 or 13 years of age. c. The other participant is 14 or 15 years of age and any of the following are true: <ol style="list-style-type: none"> (1) The person is a member of the same household as the other participant. (2) The person is related to the other participant by blood or affinity to the fourth degree. (3) The person is in a position of authority over the other participant and uses that authority to coerce the other participant to submit. (4) The person is five or more years older than the other participant. 3. The act is performed while the other participant is under the influence of a controlled substance, which may include but is not limited to flunitrazepam, and all of the following are true: <ol style="list-style-type: none"> a. the controlled substance, which may include but is not limited to flunitrazepam, prevents the other person from 		
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	<p>consenting to the act. b. the person performing the act knows or reasonably should have known that the other person was under the influence of the controlled substance, which may include but is not limited to flunitrazepam. 4. The act is performed while the other person is mentally incapacitated, physically incapacitated, or physically helpless. <i>Sexual abuse in the third degree is a class "C" felony.</i></p>		
Kansas	<p>K.S.A. § 21-3502 - (a) Rape is – (1) Sexual intercourse with a person who does not consent to the sexual intercourse, under any of the following circumstances: (A) When the victim is overcome by force or fear; (B) when the victim is unconscious or physically powerless; or (C) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender; (2) sexual intercourse with a child who is under 14 years of age; (3) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a medically or therapeutically necessary procedure; or (4) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a legally required procedure within the scope of the offender's authority.</p>	<p>K.S.A. § 21-3106. Prosecution may commence within five years after its commission.</p>	<p>2001 KS S.B. 303 – amends §21-3106 – a prosecution for a sexually violent offense where the limitations period has not expired as of July 1, 2001, or the offense was committed on or after July 1, 2001, shall be ten years from the commission of the offense, or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later. Biological evidence for an offense committed before Jan. 1, 2001 must be analyzed no later than Jan. 1, 2004 and for an offense committed on or after Jan. 1, 2001, biological evidence collected in connection with the offense s analyzed for DNA type no later than two years from the date of the offense.</p>
Kentucky	<p>§ 510.040 - Rape in the first degree is a Class B felony unless the victim is under</p>	<p>§ 500.050 - Prosecution of a felony is not subject to a</p>	

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	<p>twelve (12) years old or receives a serious physical injury in which case it is a Class A felony.</p> <p>§ 510.050 - Rape in the second degree is a Class C felony.</p> <p>§ 510.06 - Rape in the third degree is a Class D felony.</p>	<p>felony is not subject to a period of limitation and may be commenced at any time.</p>	
Louisiana	<p>La. R.S. 14:42. Aggravated rape - - whoever commits the crime of aggravated rape, shall be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.</p> <p>La. R.S. 14:42.1. Forcible rape - whoever commits the crime of forcible rape, shall be imprisoned at hard labor.</p> <p>La. R.S. 14:43. Simple rape -- whoever commits the crime of simple rape, shall be imprisoned, with or without hard labor.</p>	<p>Art. 571 - There is no time limitation upon the institution of prosecution for any crime for which the punishment may be death or life imprisonment.</p> <p>Art. 571.1 - <i>The time within which to institute prosecution of the following sex offenses:</i> forcible rape (R.S. 14:42.1), sexual battery (R.S. 14:43.1), aggravated sexual battery (R.S. 14:43.2), oral sexual battery (R.S. 14:43.3), aggravated oral sexual battery (R.S. 14:43.4 which involves a victim under 17, shall be ten years. This ten-year period begins to run when the victim attains the age of eighteen.</p> <p>Art. 572 - Limitation of prosecution of non-capital offenses</p> <ol style="list-style-type: none"> (1) Six years, for a felony necessarily punishable by imprisonment at hard labor; (2) Four years, for a felony not necessarily punishable by imprisonment at hard labor. 	
Maine	<p>17-A M.R.S. §253 –</p> <p>1. A person is guilty of gross sexual assault if that person engages in a sexual act with another person and:</p> <p>(A) the other person submits as a result of compulsion; or the other person, not the actor’s spouse, is less than 14 yrs. (Class A crime)</p> <p>2. A person is guilty of gross</p>	<p>17-A M.R.S. §8</p> <p>Prosecutions for gross sexual assault and subject to the following period of limitation:</p> <ul style="list-style-type: none"> • prosecution for a Class A, Class B or Class C crime must be commenced 	

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	<p>sexual assault if that person engages in a sexual act with another person and:</p> <p>(A) the actor has substantially impaired the other person's power or control by administering drug or intoxicants;</p> <p>(B) the actor compels or induces the person by any threat;</p> <p>(C) the other person suffers from mental disability that is reasonably apparent or known to the actor;</p> <p>(D) the other person is unconscious</p> <p>(E) the actor is in official custody and the actor has supervisory authority over the person;</p> <p>(F) the other person is less than 18 and is a student enrolled in a private or public elementary, secondary or special education school or facility and the actor is a teacher, employee or official having instructional, supervisory or disciplinary authority over the student;</p> <p>(G) the other person is less than 18 yrs. and is a resident in or attending a children's home, day care, camp or similar school, and the actor is a teacher or employee having instructional, supervisory or disciplinary authority over the other person;</p> <p>(H) the other person is less than 18 and is a student enrolled in a private or public elementary, secondary, or special education school and the actor is a teacher, employee or toher official;</p> <p>(I) the other person is less than 18 yrs. And the actor is a parent, stepparent, foster parent, etc. of that other person.</p> <p>(J) the actor owns, operates or is an employee of an organization; program or residence that is operated by the Dept. of Mental Health, Mental Retardation and Substance Abuse Services or the Dept. of Human Services and the other person receives services from the program as a person with mental retardation.</p>	<p>within 6 years after it is committed.</p>	

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	<p>2 (A), (B), (C), (D), (E), (H) – Class B crimes.</p> <p>2 (F), (G), (I), (J) - Class C crimes.</p>		
Maryland	<p>Md. Ann. Code art. 27, § 462 -- First degree rape</p> <p>Md. Ann. Code art. 27, § 463 - Second degree rape</p>	May commence at any time.	

*The following research was conducted focusing on adult sexual assault victims. The statute of limitations pertaining to sexual assault victims who are minors was not included. Note, the majority of jurisdictions have exceptions to their statute of limitations when the victim is a child.

State	Rape Statute	Statute of Limitations*	DNA Exception
Massachusetts	<p>Mass. Ann. Laws ch. 265, § 22 – Rape</p> <p>(a) Whoever has sexual intercourse or unnatural sexual intercourse with a person, and compels such person to submit by force and against his will, or compels such person to submit by threat of bodily injury and if either such sexual intercourse or unnatural sexual intercourse results in or is committed with acts resulting in serious bodily injury, or is committed by a joint enterprise.</p>	<p>Mass. Ann. Laws ch. 277 §63</p> <p>Prosecution for rape must commence within 15 yrs. after the commission of the offense.</p>	<p>2001 MA S. B. 910 – amending ch. 277 §63</p> <p>An indictment for rape may be found and filed 15 years from the date of the commission of the offense, or where the period of limitations has not expired as of Jan. 1, 2002, or for any offense committed on or after Jan. 1, 2002, one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later.</p> <p>LAST ACTION: 7/11/01 – Study order from Joint Committee on Judiciary.</p>
Michigan	<p>MCLS §750.520(b) Criminal sexual conduct in the 1st degree.</p> <p>§750.520(c) Criminal sexual conduct in 2nd degree. (Felony)</p> <p>§750.520(d) Criminal sexual conduct in the 3rd degree. (Felony)</p> <p>§750.520(e) Criminal sexual conduct in the 4th degree. (Misdemeanor)</p>	<p>MCLS §767.24 –</p> <p>Prosecutions for criminal sexual conduct must be commenced within 6 years after the commission of the offense.</p> <p>If the victim is under 18 at the time of the offense, an indictment may be filed within 6 years or by the alleged victim’s 21st birthday, whichever is later.</p> <p>Note: MI Senate Bill has been proposed to extend the statute of limitations to 10 years or by the victim’s 21st birthday, whichever is later. (2000 Mi. ALS 6).</p>	<p>2001 MI S.B. 1 –</p> <p>If evidence of that violation is obtained and that evidence contains DNA that is determined to be from an unidentified individual, an indictment may be found and filed at any time after the offense is committed.</p> <p>However, after the individual is identified, the indictment shall be found and filed within 10 years after the individual is identified or by the alleged victim’s 21st, birthday, whichever is later.</p> <p>LAST ACTION – 5/1/01 Approved by the governor.</p>

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State	Rape Statute	Statute of Limitations*	DNA Exception
Minnesota	<p>Min. Stat. 609.342 Criminal sexual conduct in the first degree</p> <p>609.343 Criminal sexual conduct in the second degree</p> <p>609.344 Criminal sexual conduct in the third degree</p>	<p>Min. Stat. 628.26(d) - Indictments or complaints for violations of sections 609-342 – 609.344 (criminal sexual assault in the 1st – 3rd degree) if the victim was under the age of 18 years old at the time the offense was committed, shall be made within nine years after the commission of the offense, or if the victim failed to report the offense within this limitation period, within three years after the offense was reported to law enforcement authorities.</p>	<p>Min. Stat. 628.26(e) – Indictments may be found or filed at any time after the 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.</p>
Mississippi	<p>Miss. Code Ann. § 97-3-71 - § 97-3-71. Rape; assault with intent to ravish Every person who shall be convicted of an assault with intent to forcibly ravish any female of previous chaste character shall be punished by imprisonment in the penitentiary for life, or for such shorter time as may be fixed by the jury, or by the court upon the entry of a plea of guilty.</p> <p>§ 97-3-95. Sexual battery (1) A person is guilty of sexual battery if he or she engages in sexual penetration with: (a) Another person without his or her consent; (b) A mentally defective, mentally incapacitated or physically helpless person; (c) A child at least 14 but under 16, if the person is 36 or more months older than the child; or (d) A child under the age of</p>	<p>Miss. Code Ann. §99-1-5 May commence at any time for rape.</p> <p>For Sexual battery – within two years except if the child is between 14 and 16 – then at any time.</p>	

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State	Rape Statute	Statute of Limitations*	DNA Exception
	<p>fourteen 14, if the person is twenty-four (24) or more months older than the child.</p> <p>(2) A person is guilty of sexual battery if he or she engages in sexual penetration with a child under the age of 18 years if the person is in a position of trust or authority over the child including without limitation the child's teacher, counselor, physician, psychiatrist, psychologist, minister, priest, physical therapist, chiropractor, legal guardian, parent, stepparent, aunt, uncle, scout leader or coach.</p>		
Missouri	<p>§ 566.030 R.S.Mo. (2001) A person commits the crime of forcible rape if such person has sexual intercourse with another person by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent, which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse. Forcible rape is a felony.</p> <p>§ 566.040 - Sexual assault A person commits the crime of sexual assault if he has sexual intercourse with another person knowing that he does so without that person's consent. Sexual assault is a class C felony.</p>	<p>§ 556.036 R.S.Mo. A prosecution for a Class A felony may be commenced at any time. For any other felony, three years.</p>	
Montana	<p>Mont. Code Anno., § 45-5-503 -- Sexual intercourse without consent A person who knowingly has sexual intercourse without consent with another person commits the offense of sexual intercourse without consent. A person may not be convicted under this section based on the age of the person's spouse.</p>	<p>Mont. Code Anno., § 45-1-205 A prosecution for a felony must be commenced within 5 years after it is committed.</p> <p>Prosecution may be commenced within 5 years after the victim reaches the age of 18 if victim was under 18 at the time the offense occurred.</p>	

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State	Rape Statute	Statute of Limitations*	DNA Exception
Nebraska	<p>R.R.S. Neb. § 28-319 - Sexual assault; first degree Any person who subjects another person to sexual penetration (a) without consent of the victim, or (b) who knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or (c) when the actor is 19 or older and the victim is less than 16 is guilty of sexual assault in the 1st degree.</p> <p>Sexual assault in the first degree is a Class II felony</p> <p>§ 28-320. Sexual assault; second or third degree Any person who subjects another person to sexual contact (a) without consent of the victim, or (b) who knew or should have known that the victim was physically or mentally incapable of resisting or appraising the nature of his or her conduct is guilty of sexual assault in either the second degree or third degree.</p> <p>Sexual assault in the 2nd degree is a Class III felony if the actor caused serious personal injury to the victim.</p> <p>Sexual assault in the 3rd degree is a Class I misdemeanor if the actor did not cause serious personal injury to the victim.</p>	<p>R.S. Neb. § 29-110 (2) - An indictment has to be found by the grand jury within 7 years after the offense has been committed or within 7 years after the victim's 16th birthday, whichever is later or unless a complaint has been filed before the magistrate within 7 years of 7 years after the victim's 16th birthday, whichever is later.</p>	
Nevada	<p>Nev. Rev. Stat. Ann. § 200.366 - Sexual assault A person who subjects another person to sexual penetration, or who forces another person to make a sexual penetration on himself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his conduct, is guilty of sexual assault.</p>	<p>§ 171.085 –Within 4 years after the commission of the offense.</p> <p>Nev. Rev. Stat. Ann. § 171.083 - No limitation for sexual assault if a written report is filed with law enforcement officer during period of limitation.</p>	
New Hampshire	<p>RSA 632-A: 2 Aggravated Felonious Sexual Assault § 632-A:3 Felonious Sexual Assault</p>	<p>§ 625:8 – within 6 yrs.</p>	
New Jersey	<p>N.J. Stat. § 2C:14-2 - <i>Sexual assault</i> (a) An actor is guilty of <i>aggravated sexual assault</i> if he commits an act of</p>	<p>§ 2C:1-6 – Prosecution for sexual assault & aggravated</p>	<p>2001 NJ A.B. 2658 – amending the statute of</p>

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	<p>sexual penetration with another person under any one of the following circumstances:</p> <ul style="list-style-type: none"> (1) The victim is less than 13; (2) The victim is at least 13 but less than 16; and <ul style="list-style-type: none"> (a) The actor is related to the victim by blood or affinity to the 3rd degree, or (b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or (c) The actor is a foster parent, a guardian, or stands in loco parentis within the household; (3) The act is committed during/attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape; (4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object; (5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion; (6) The actor uses physical force or coercion and severe personal injury is sustained by the victim; (7) The victim is one whom the actor knew or should have known was physically helpless, mentally defective or mentally incapacitated. <p>b. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim.</p> <p>c. An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:</p> <ul style="list-style-type: none"> (1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury; (2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status; (3) The victim is at least 16 but less than 18 years old and: <ul style="list-style-type: none"> (a) The actor is related to the victim by blood or affinity to the third degree; or (b) The actor has supervisory or disciplinary power over the victim of any nature or in any capacity; or 	<p>sexual assault may be commenced at any time.</p> <p>A prosecution for aggravated sexual conduct must commenced within five years after it is committed.</p>	<p>limitations regarding DNA evidence:</p> <p>If the identity of the person who commits a crime is unknown when the crime is committed and physical evidence is collected which can be tested for its DNA characteristics and used to identify the person who committed the crime, a prosecution can be commenced at any time.</p> <p>LAST ACTION: 6/29/00 – To Assembly committee on Judiciary.</p>
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State	Rape Statute	Statute of Limitations*	DNA Exception
	<p>(c) The actor is a foster parent, a guardian, or stands in loco parentis within the household; (4) The victim is at least 13 but less than 16 years old and the actor is at least 4 yrs. older than the victim.</p> <p>N.J. Stat. § 2C:14-3 - <i>Aggravated criminal sexual contact; criminal sexual contact</i> An actor is guilty of aggravated criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in 2C:14-2a. (2) through(7).</p> <p>An actor is guilty of criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in section 2C:14-2c. (1) through(4).</p>		
New Mexico	<p>N.M. Stat. Ann. § 30-9-11 Criminal Sexual Penetration is the unlawful and intentional causing of a person to engage in sexual intercourse, cunnilingus, fellatio or anal intercourse or the causing of penetration, to any extent with any object, of the genital or anal openings of another, whether or not there is any emission. C. Criminal sexual penetration in the first degree consists of all sexual penetration perpetrated:</p> <ul style="list-style-type: none"> (1) on a child under 13 or (2) by the use of force or coercion that results in great bodily harm or great mental anguish to the victim <p>This is a first degree felony.</p> <p>D. Criminal sexual penetration in the second degree consists of all criminal sexual penetration perpetrated:</p> <ul style="list-style-type: none"> (1) on a child 13 to 18 when the perpetrator is in a position of authority over the child and uses this authority to coerce the child to submit; (2) on an inmate confined in a correctional facility or jail where the perpetrator is in a position of 	<p>§ 30-1-8 Prosecution may commence at any time after the occurrence of a capital felony or a first degree violent felony;</p> <p>Second degree felony, within six years from the time the crime was committed;</p> <p>Third or fourth degree felony, within five years from the time the crime was committed.</p>	

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	<p>authority over the inmate;</p> <p>(3) by the use of force or coercion that results in personal injury to the victim;</p> <p>(4) by the use of force or coercion when the perpetrator is aided or abetted by one or more persons;</p> <p>(5) in the commission of any other felony; or</p> <p>(6) when the perpetrator is armed with a deadly weapon.</p> <p>This is a second degree felony.</p> <p>E. Criminal sexual penetration in the third degree consists of all criminal sexual penetration perpetrated through the use of force or coercion. (Third degree felony).</p> <p>F. Criminal sexual penetration in the fourth degree consists of all criminal sexual penetration:</p> <p>(1) not defined in (C) through (E) of this section perpetrated on a child 13 to 16 when the perpetrator is at least 18 and is at least four years older than the child and not the spouse of that child;</p> <p>(2) perpetrated on a child 13 to 18 when the perpetrator, who is a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer, and who is at least 18 and is at least four years older than the child and not the spouse of the</p>		
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State	Rape Statute	Statute of Limitations*	DNA Exception
	<p>child, learns while performing services in or for a school that the child is a student in a school. (4th degree felony).</p>		
New York	<p>NY CLS Penal § 130.35 A person is guilty of rape in the first degree when he or she engages in sexual intercourse with a another person: 1. By forcible compulsion; or 2. Who is incapable of consent by reason of being physically helpless; or 3. Who is less than eleven years old. Rape in the first degree is a class B felony.</p> <p>§ 130.30. Rape in the second degree A person is guilty of rape in the second degree when, being eighteen years old or more, he or she engages in sexual intercourse with another person to whom the actor is not married less than fourteen years old. Rape in the second degree is a class D felony.</p>	<p>NY CLS CPL § 30.10 Prosecution for rape must commence within five years.</p>	<p>1999 Bill Tracking NY S.B. 974 Extends the statute of limitations for prosecution of the class B felony of rape in the first degree from five years to ten years after the commission thereof when based upon forensic DNA testing.</p> <p>LAST ACTION – 6/14/00; To Senate Committee on Rules.</p>
North Carolina	<p>N.C. Gen. Stat. § 14-27.2 – 1ST degree rape N.C. Gen. Stat. § 14-27.3 - 2nd degree rape</p>	<p>May commence at any time.</p>	
North Dakota	<p>N.D. Cent. Code, § 12.1-20-07 – Sexual Assault § 12.1-20-03 - Gross sexual imposition § 12.1-20-04. Sexual imposition</p>	<p>N.D. Cent. Code, § 29-04-02 Prosecution for any felony other than murder must be commenced within three years after its commission.</p>	
Ohio	<p>ORC Ann. § 2907.02 Rape § 2907.03 Sexual battery. [On or After 7-1-96]</p>	<p>§ 2901.13 Prosecution for a felony other than murder must be commenced within 6 years after the commission of the offense.</p>	
Oklahoma	<p>21 Okl. St. § 1114. Rape in first degree A. Rape in the first degree shall include: 1. rape committed by a person over 18 years of age upon a person under 14 years of age; or 2. rape committed upon a</p>	<p>22 Okl. St. §152 Prosecutions for rape shall be commenced within seven (7) years after the discovery of the crime.</p>	

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State	Rape Statute	Statute of Limitations*	DNA Exception
	<p>2. rape committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime; or</p> <p>3. rape accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the person committing the crime; or</p> <p>4. rape by instrumentation resulting in bodily harm is rape by instrumentation in the first degree regardless of the age of the person committing the crime; or</p> <p>5. rape by instrumentation committed upon a person under 14 years of age.</p> <p>In all other cases, rape or rape by instrumentation is rape in the second degree.</p>		
Oregon	<p>ORS § 163.375 -- Rape in the first degree.</p> <p>(1) A person who has sexual intercourse with another person commits the crime of rape in the first degree if:</p> <p>(a) The victim is subjected to forcible compulsion by the person;</p> <p>(b) The victim is under 12 ;</p> <p>(c) The victim is under 16 & is the person's sibling, of the whole or half blood, the person's child or the person's spouse's child; or</p> <p>(d) The victim is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness.</p> <p>163.365. Rape in the second degree.</p> <p>(1) A person who has sexual intercourse with another person commits the crime of rape in the 2nd degree if the other person is under 14.</p> <p>163.355. Rape in the third degree.</p> <p>(1) A person commits the crime of rape in the third degree if the person has sexual intercourse with another person under 16 years of age.</p>	<p>ORS § 131.125</p> <p>Prosecution for rape in the 1st – 3rd degree may be commenced within six years after the commission of the crime.</p>	<p>2001 OR H.B. 2359 – Proposal to amend §131.25</p> <p>A prosecution for any felony may be commenced at any time after the commission of the offense if:</p> <p>(A) a human biological specimen is obtained at the crime scene or from the victim within 30 days after the commission of the offense, and</p> <p>(B)the specimen is retained and kept under custody and control of the law enforcement agency investigating the offense for the purpose of extracting and analyzing DNA to determine a genetic profile or identity.</p> <p>LAST ACTION:</p>

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State	Rape Statute	Statute of Limitations*	DNA Exception
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			1/18/01 – Introduced to House Judiciary Committee.
Pennsylvania	<p>18 Pa.C.S. § 3121- Rape A person commits a felony of the first degree when he or she engages in sexual intercourse with a complainant:</p> <p>(1) By forcible compulsion. (2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution. (3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring. (4) Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance. (5) Who suffers from a mental disability which renders the complainant incapable of consent. (6) Who is less than 13 years of age.</p> <p>§ 3123. Involuntary deviate sexual intercourse <i>same as above; or</i> who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.</p> <p>§ 3124.1 - Sexual assault Except as provided in §3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the 2nd degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.</p>	<p>42 Pa.C.S. § 5552 Prosecution for the following offenses must be commenced within five years after it is committed:</p> <p>Section 3121 (relating to rape).</p> <p>Section 3123 (relating to involuntary deviate sexual intercourse).</p> <p>Section 3124.1 (relating to sexual assault).</p>	
Rhode Island	<p>R.I. Gen. Laws § 11-37-2 First degree sexual assault – A person engages in sexual penetration with another person, and if any of the following circumstances exist:</p> <p>(1) The accused, not being the spouse, knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless. (2) The accused uses force or coercion. (3) The accused, through concealment or by the element of surprise, is able to overcome the victim. (4) The accused engages in the medical treatment or examination of the victim for the purpose of</p>	<p>R.I. Gen. Laws § 12-12-17 No statute of limitations for first degree sexual assault.</p> <p>The statute of limitations for 2nd degree sexual assault shall be three (3) years.</p>	

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State	Rape Statute	Statute of Limitations*	DNA Exception
	<p>sexual arousal, gratification, or stimulation.</p> <p>§ 11-37-4 A person is guilty of a second degree sexual assault if he or she engages in sexual contact with another person and if any of the following circumstances exist:</p> <p>(1) The accused knows or has reason to know that the victim is mentally incapacitated, mentally disabled or physically helpless.</p> <p>(2) The accused uses force or coercion.</p> <p>(3) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification or stimulation.</p>		
South Carolina	<p>S.C. Code Ann. § 16-3-652 (1999)</p> <p>(1) A person is guilty of criminal sexual conduct in the first degree if the actor engages in sexual battery with the victim and if any one or more of the following circumstances are proven:</p> <p>(a) The actor uses aggravated force to accomplish sexual battery.</p> <p>(b) The victim submits to sexual battery by the actor under circumstances where the victim is also the victim of forcible confinement, kidnapping, robbery, extortion, burglary, housebreaking, or any other similar offense or act.</p> <p>(c) The actor causes the victim, without the victim's consent, to become mentally incapacitated or physically helpless by administering, distributing, dispensing, delivering, or causing to be administered, distributed, dispensed, or delivered a controlled substance or gamma hydroxy butyrate.</p> <p>§ 16-3-653. <i>Criminal sexual conduct in the second degree.</i></p> <p>(1) A person is guilty of criminal sexual conduct in the second degree if the actor uses aggravated coercion to accomplish sexual battery.</p>	None found	

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	<p>§ 16-3-654. Criminal sexual conduct in the third degree.</p> <p>(1) A person is guilty of criminal sexual conduct in the third degree if the actor engages in sexual battery with the victim and if any one or more of the following circumstances are proven:</p> <p>(a) The actor uses force or coercion to accomplish the sexual battery in the absence of aggravating circumstances.</p> <p>(b) The actor knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless and aggravated force or aggravated coercion was not used to accomplish sexual battery.</p>		
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State	Rape Statute	Statute of Limitations*	DNA Exception
South Dakota	<p>S.D. Codified Laws § 22-22-1 Rape is an act of sexual penetration accomplished with any person under any of the following circumstances:</p> <p>(1) If the victim is less than 10; or</p> <p>(2) Through the use of force, coercion, or threats of immediate and great bodily harm against the victim or other persons within the victim's presence, accompanied by apparent power of execution; or</p> <p>(3) If the victim is incapable, because of physical or mental incapacity, of giving consent to such act; or</p> <p>(4) If the victim is incapable of giving consent because of any intoxicating, narcotic, or anesthetic agent or hypnosis; or</p> <p>(5) If the victim is 10, but less than 16, and the perpetrator is at least 3 years older than the victim; or</p> <p>(6) If persons who are not legally married and who are within degrees of consanguinity within which marriages are by the laws of this state declared void pursuant to § 25-1-6, which is also defined as incest; or</p> <p>(7) If the victim is 10, but less than 18 and is the child of a spouse or former spouse of the perpetrator.</p> <ul style="list-style-type: none"> • A violation of subdivision (1) of this section is a Class 1 felony. • A violation of subdivision (2), (3), or (4) of this section is a Class 2 felony. • A violation of subdivision (5), (6), or (7) of this section is a Class 3 felony. 	<p>S.D. Codified Laws § 23A-42-1 There is no limitation on the time within which a prosecution for Class A, Class B or Class 1 felony must be commenced.</p> <p>S.D. Codified Laws § 23A-42-2 -- Seven-year limitation for a Class 2 & 3 felony.</p>	
Tennessee	<p>Tenn. Code Ann. § 39-13-502 (a) Aggravated rape is unlawful sexual penetration of a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:</p> <p>(1) Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon;</p> <p>(2) The defendant causes bodily injury to the victim;</p> <p>(3) The defendant is aided or abetted by one (1) or more other persons; and</p> <p>(A) Force or coercion is used to</p>	<p>Tenn. Code Ann. § 40-2-101 Prosecution for a felony offense shall begin within:</p> <p>(1) 15 years for a Class A felony;</p> <p>(2) 8 years for a Class B felony;</p> <p>(3) 4 years for a Class C or Class D felony; and</p> <p>(4) 2 years for a Class E felony.</p>	

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Limitations***

DNA Exception

	<p>(A) Force or coercion is used to accomplish the act; or (B) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless.</p> <ul style="list-style-type: none"> Aggravated rape is a Class A felony. <p>§ 39-13-503</p> <p>(a) Rape is unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances:</p> <p>(1) Force or coercion is used to accomplish the act;</p> <p>(2) The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent;</p> <p>(3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or</p> <p>(4) The sexual penetration is accomplished by fraud.</p> <ul style="list-style-type: none"> Rape is a Class B felony. <p>Tenn. Code Ann. § 39-13-505</p> <p>(a) Sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:</p> <p>(1) Force or coercion is used to accomplish the act;</p> <p>(2) The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent;</p> <p>(3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or</p> <p>(4) The sexual contact is accomplished by fraud.</p> <ul style="list-style-type: none"> Sexual battery is a Class E felony. 		
<p>Texas</p>	<p>Tex. Penal Code § 22.011 -- Sexual Assault</p> <p>Tex. Penal Code § 22.021 -- Aggravated Sexual Assault</p>	<p>Tex. Code Crim. Proc. art. 12.01 – Prosecution shall be commenced within seven years after the commission of the offense.</p> <p>Note: 2001 TX H.B 656 – proposes to amend the limitation for sexual assault to ten years.</p>	<p>2001 TX H.B. 656 – amends art. 12.01</p> <p>No limit:</p> <p>(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</p>

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State	Rape Statute	Statute of Limitations*	DNA Exception
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			readily ascertained. LAST ACTION: 4/20/01 – Approved by the governor.
Utah	Utah Code Ann. § 76-5-402 (1) A person commits rape when the actor has sexual intercourse with another person without the victim's consent. (2) This section applies whether or not the actor is married to the victim. <i>Rape is a felony of the first degree.</i>	§ 76-1-302 – Prosecution for rape shall be commenced within four years after it is committed.	
Vermont	13 V.S.A. § 3252 - Sexual assault (a) A person who engages in a sexual act with another person and (1) Compels the other person to participate in a sexual act: (A) Without the consent of the other person; or (B) By threatening or coercing the other person; or (C) By placing the other person in fear that any person will suffer imminent bodily injury; or (2) Has impaired substantially the ability of the other person to appraise or control conduct by administering or employing drugs or intoxicants without the knowledge or against the will of the other person; or (3) The other person is under the age of 16, except where the persons are married to each other and the sexual act is consensual; or (4) The other person is under the age of 18 and is entrusted to the actor's care by authority of law or is the actor's child, grandchild, foster child, adopted child or step-child; (b) A person who engages in a sexual act with another person under the age of 16 and (1) the victim is entrusted to the actor's care by authority of law or is the actor's child, grandchild, foster child, adopted child or step-child; or (2) the actor is at least 18 years of age, resides in the victim's household and serves in a parental role with respect to the victim. § 3253. Aggravated sexual assault (a) A person commits the crime of aggravated sexual assault if the person commits sexual assault under any one of the following circumstances:	13 V.S.A. § 4501 Prosecution for <i>aggravated sexual assault</i> may be commenced <i>at any time</i> after the commission of the offense. Prosecutions for sexual assault shall be commenced within six years after the commission of the offense.	

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State	Rape Statute	Statute of Limitations*	DNA Exception
	<p>(1) At the time of the sexual assault, the actor causes serious bodily injury to the victim or to another.</p> <p>(2) The actor is joined or assisted by one or more persons in physically restraining, assaulting or sexually assaulting the victim.</p> <p>(3) The actor commits the sexual act under circumstances which constitute the crime of kidnapping.</p> <p>(4) The actor has previously been convicted in this state of sexual assault or has been convicted in any jurisdiction in the United States or territories of an offense which would constitute sexual assault under subdivision 3252(a)(1) or (2) or aggravated sexual assault if committed in this state.</p> <p>(5) At the time of the sexual assault, the actor is armed with a deadly weapon and uses or threatens to use the deadly weapon on the victim or on another.</p> <p>(6) At the time of the sexual assault, the actor threatens to cause imminent serious bodily injury to the victim or to another and the victim reasonably believes that the actor has the present ability to carry out the threat.</p> <p>(7) At the time of the sexual assault, the actor applies deadly force to the victim.</p> <p>(8) The victim is under the age of 10 and the actor is at least 18 years of age.</p> <p>(9) The victim is subjected by the actor to repeated nonconsensual sexual acts as part of the same occurrence or the actor's common scheme and plan.</p>		
Virginia	Va. Code Ann. § 18.2-61 -- Rape	May commence at any time.	
Washington	<p>Rev. Code Wash. (ARCW) § 9A.44.040 - Rape in the first degree – Class A felony.</p> <p>Rev. Code Wash. (ARCW) § 9A.44.050 - Rape in the second degree</p>	<p>Rev. Code Wash. (ARCW) § 9A.04.080</p> <p>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</p> <p>CAVEAT -- If it is not reported within one year, the rape may not be prosecuted: (A) three years after its commission if the violation was committed against a victim fourteen years of age or older; or (B) more than three years after the victim's eighteenth birthday if the violation was committed against a victim under fourteen years of age.</p>	<p>1999 WA H.B. 2933 - Provides that if the time limitations have expired, the state has evidence consisting of fingerprints or DNA profile of a person who committed a crime against persons but comparisons of evidence to fingerprints or DNA profiles of known persons that were made before the time limitations expired did not result in the probable identification of the person, a prosecution for the violation may be commenced within 1 year if evidence results in probable identification.</p> <p>LAST ACTION– 1/24/00; To House Committee on Judiciary</p>
West Virginia	W. Va. Code Section 61-8B-3. Sexual	§ 61-11-9 – Prosecution for	

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State

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	<p>assault in the 1st degree. (Felony) (a) A person is guilty of sexual assault in the first degree when: (1) The person engages in sexual intercourse or sexual intrusion with another person and, in so doing: (i) Inflicts serious bodily injury upon anyone; or (ii) Employs a deadly weapon in the commission of the act; or (2) The person, being fourteen years old or more, engages in sexual intercourse or sexual intrusion with another person who is eleven years old or less and is not married to that person.</p> <p>§ 61-8B-4. Sexual assault in the 2nd degree (a) A person is guilty of sexual assault in the second degree when: (1) Such person engages in sexual intercourse or sexual intrusion with another person without the person's consent, and the lack of consent results from forcible compulsion; or (2) Such person engages in sexual intercourse or sexual intrusion with another person who is physically helpless.</p> <p>Section 61-8B-5. Sexual assault in the 3rd degree. (a) A person is guilty of sexual assault in the third degree when: (1) The person engages in sexual intercourse or sexual intrusion with another person who is mentally defective or mentally incapacitated; or (2) The person, being sixteen years old or more, engages in sexual intercourse or sexual intrusion with another person who is less than sixteen years old and who is at least four years younger than the defendant and is not married to the defendant.</p>	<p>misdemeanors must be commenced within one year.</p>	
<p>Wisconsin</p>	<p>Wis. Stat. §940.225 – 1st Degree Sexual Assault. Whoever does any of the following is guilty of a Class B felony: (a) Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person. (b) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon. (c) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person</p>	<p>Wis. Stat. §939.74 Prosecution for a felony must be commenced within 6 years.</p>	<p>2001 WI A.B. 291 – amends 939.74 Creates an exception to the time limits for prosecuting sexual assault crimes if the state has DNA evidence related to the crime. If the state collects and analyzes DNA evidence related to the crime before the time limit for prosecution expires and does not link the DNA to an identified person until after the time limit expires, the state may initiate</p>

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State	Rape Statute	Statute of Limitations*	DNA Exception
	<p>without consent of that person by use or threat of force or violence.</p> <p>(2) SECOND DEGREE SEXUAL ASSAULT. Whoever does any of the following is guilty of a Class BC felony:</p> <p>(a) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.</p> <p>(b) Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.</p> <p>(c) Has sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the persons conduct, and the defendant knows of such condition.</p> <p>(cm) Has sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of appraising the persons conduct, and the defendant knows of such condition.</p> <p>(d) Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.</p> <p>(f) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without the consent of that person.</p> <p>(g) Is an employee of a facility or program under §940.295 (2) (b) (c), (h) or (k) and has sexual contact or sexual intercourse with a person who is a patient or resident of the facility or program.</p>		<p>prosecution for the crime within one year of matching the DNA evidence to a known person.</p> <p>LAST ACTION – 6/14/01 Sent to Senate committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.</p>
Wyoming	<p>Wyo. Stat. § 6-2-302 (2000) § 6-2-302. Sexual assault in the first degree</p> <p>(a) Any actor who inflicts sexual</p>	None found	

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State**Rape Statute****Statute of
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	<p>intrusion on a victim commits a sexual assault in the first degree if:</p> <ul style="list-style-type: none"> (i) The actor causes submission of the victim through the actual application, reasonably calculated to cause submission of the victim, of physical force or forcible confinement; (ii) The actor causes submission of the victim by threat of death, serious bodily injury, extreme physical pain or kidnapping to be inflicted on anyone and the victim reasonably believes that the actor has the present ability to execute these threats; (iii) The victim is physically helpless, and the actor knows or reasonably should know that the victim is physically helpless and that the victim has not consented; or (iv) The actor knows or reasonably should know that the victim through a mental illness, mental deficiency or developmental disability is incapable of appraising the nature of the victim's conduct. <p>§ 6-2-303. Sexual assault in the second degree</p> <ul style="list-style-type: none"> (a) Any actor who inflicts sexual intrusion on a victim commits sexual assault in the second degree if, under circumstances not constituting sexual assault in the first degree: <ul style="list-style-type: none"> (i) The actor causes submission of the victim by threatening to retaliate in the future against the victim or the victim's spouse, parents, brothers, sisters or children, and the victim reasonably believes the actor will execute this threat. "To retaliate" includes threats of kidnapping, death, serious bodily injury or extreme physical pain; (ii) The actor causes submission of the victim by any means that would prevent resistance by a victim of ordinary resolution; (iii) The actor administers, or knows that someone else administered to the victim, without the prior knowledge or consent of the victim, any substance which substantially impairs the victim's power to appraise or control his conduct; (iv) The actor knows or should reasonably know that the victim submits erroneously believing the actor to be the victim's spouse; (v) At the time of the commission of the act the victim is less than twelve (12) years of age and the actor is at least four (4) years older than the victim; (vi) The actor is in a position of authority over the victim and uses this position of authority to cause the victim to submit; or (vii) The actor inflicts sexual intrusion in treatment or examination 		
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State**Rape Statute****Statute of
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	<p>of a victim for purposes or in a manner substantially inconsistent with reasonable medical practices.</p> <p>(b) A person is guilty of sexual assault in the second degree if he subjects another person to sexual contact and causes serious bodily injury to the victim under any of the circumstances listed in W.S. 6-2-302(a)(i) through (iv) or paragraphs (a)(i) through (vi) of this section.</p> <p>Wyo. Stat. § 6-2-304 (2000) § 6-2-304. Sexual assault in the third degree</p> <p>(a) An actor commits sexual assault in the third degree if, under circumstances not constituting sexual assault in the first or second degree:</p> <p>(i) The actor is at least four (4) years older than the victim and inflicts sexual intrusion on a victim under the age of sixteen (16) years; or</p> <p>(ii) The actor is an adult and subjects a victim under the age of fourteen (14) years to sexual contact without inflicting sexual intrusion on the victim and without causing serious bodily injury to the victim;</p> <p>(iii) The actor subjects a victim to sexual contact under any of the circumstances of W.S. 6-2-302(a)(i) through (iv) or 6-2-303(a)(i) through (vi) without inflicting sexual intrusion on the victim and without causing serious bodily injury to the victim.</p>		
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