



The clock is ticking . . . but there is still time.

What is a criminal statute of limitations?

Each state has statutes of limitations that determine the amount of time the state has to charge someone with a crime. You can think of a statute of limitations like a timer: the clock typically starts when the crime occurs; after time runs out, a perpetrator cannot be charged for the crime. Some states provide exceptions to their time limits - for example, if DNA evidence is discovered, the state is allowed more time to prosecute. Ohio has an exception to the statute of limitations for DNA evidence. In Ohio, rape and sexual battery carry 25-year criminal statute of limitations. Unlawful sexual conduct with a minor and gross sexual imposition with a minor carry 20-year limitations.

Statutes of limitations vary by state, situation, and type of crime. Generally, each state's law addresses a few key questions:

- What starts the clock, or what needs to happen to trigger the statute of limitations?
- What can pause the clock, or what circumstances cause the statute of limitations to "toll"?
- What can keep the clock running, or what ensures that certain victims, such as children, have ample time to come forward and report the crime?

How are statutes of limitations created and applied?

Statutes of limitations are written and decided on by state policymakers. That means that each state has its own set of statute of limitations laws—these laws can be different, even when the crimes are the same. For example, the statute of limitations for rape in Alaska is unlimited: prosecutors can always bring charges against someone suspected of rape, no matter how much time has passed. On the other hand, in Massachusetts rape has a 15-year statute of limitations.

When a crime is prosecuted by the state, the lawyer seeking to press charges against a perpetrator, known as the prosecutor, must determine which statute of limitations applies in that particular case. To do this, prosecutors consider some of the following questions:

- **What type of crime occurred?** The more serious the crime, for example a felony sex crime as opposed to a misdemeanor, the longer prosecutors typically have to charge suspects.
- **When did the crime occur?** In most cases, a statute of limitations "clock" begins right after the crime occurs. In some situations, such as when the victim is a child, they may not realize the criminal nature of the experience until later in life. In these cases, the clock might start when the crime was discovered, not when it occurred.

- **Who was involved in the crime?** Prosecutors will consider the identity of the victim, the alleged perpetrator, and the relationship between them (if any) when determining which crime and statute of limitations applies. Factors such as age or status as a “vulnerable population” (for example, a child or an individual with a disability) can affect which statute of limitations applies.
- **What exceptions apply?** For example, is there DNA evidence? If so, the state may pause the statute of limitations until a match to the DNA is found through the national DNA database, CODIS. Was a weapon used in the commission of the crime? If so, that might affect the statute of limitations as well.

Why do statutes of limitations exist?

Statutes of limitation were put in place in part to discourage convictions based on “unreliable witness testimony,” including memories of events that occurred years in the past.

In recent years, evidence that does not erode over time is often available, such as DNA, audio or video recordings, emails, texts, and other digital communication. These newer forms of evidence play an important role in investigating and prosecuting crimes of sexual violence. Society also has come to understand more about the physical, emotional, and psychological effects of sexual violence and the reasons why a victim may not immediately report the crime. As understanding of these crimes and their effect have evolved, so have states’ laws.

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If you or someone you know is a victim of sexual violence and need assistance, call the OneEighty 24-Hour Hotline:
1.800.686.1122

