

*O.C.G.A. § 17-3-1*

GEORGIA CODE  
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\*\*\* Current Through the 2014 Regular Session \*\*\*

TITLE 17. CRIMINAL PROCEDURE  
CHAPTER 3. LIMITATIONS ON PROSECUTION

O.C.G.A. § **17-3-1** (2014)

§ **17-3-1**. Generally

- (a) A prosecution for murder may be commenced at any time.
- (b) Except as otherwise provided in Code Section 17-3-2.1, prosecution for other crimes punishable by death or life imprisonment shall be commenced within seven years after the commission of the crime except as provided by subsection (d) of this Code section; provided, however, that prosecution for the crime of forcible rape shall be commenced within 15 years after the commission of the crime.
- (c) Except as otherwise provided in Code Section 17-3-2.1, prosecution for felonies other than those specified in subsections (a), (b), and (d) of this Code section shall be commenced within four years after the commission of the crime, provided that prosecution for felonies committed against victims who are at the time of the commission of the offense under the age of 18 years shall be commenced within seven years after the commission of the crime.
- (d) A prosecution for the following offenses may be commenced at any time when deoxyribonucleic acid (DNA) evidence is used to establish the identity of the accused:
- (1) Armed robbery, as defined in Code Section 16-8-41;
  - (2) Kidnapping, as defined in Code Section 16-5-40;
  - (3) Rape, as defined in Code Section 16-6-1;
  - (4) Aggravated child molestation, as defined in Code Section 16-6-4;
  - (5) Aggravated sodomy, as defined in Code Section 16-6-2; or
  - (6) Aggravated sexual battery, as defined in Code Section 16-6-22.2;
- provided, however, that a sufficient portion of the physical evidence tested for DNA is preserved and available for testing by the accused and provided, further, that if the DNA evidence does not establish the identity of the accused, the limitation on prosecution shall be as provided in subsections (b) and (c) of this Code section.
- (e) Prosecution for misdemeanors shall be commenced within two years after the commission of the crime.

**HISTORY:** Code 1933, § 26-502, enacted by Ga. L. 1968, p. 1249, § 1; Ga. L. 1987, p. 330, § 1; Ga.

L. 1996, p. 1115, § 4; Ga. L. 2002, p. 650, § 1; Ga. L. 2012, p. 899, § 4-1/HB 1176.

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