

Statutes of Limitation on Child Sexual Abuse

(All States and District of Columbia)

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Alabama

Civil Statute of Limitations

- 2 year SOL for Suits Based on Sexual Abuse : Actions for most injuries may be brought within 2 years. There is no general statutory exception for sex-related actions. Ala. Code § 6-2-38(l).
- Delayed Tolling for Minors : 19 years old + 2 years: Ala. Code § 6-2-8.
- No Discovery Rule : The Alabama Supreme Court has declined to allow an action based on sexual abuse when suppressed memories of the event surface after the statute of limitations had run out. *See Travis v. Ziter*, 681 So. 2d 1348 (Ala. 1996).

Criminal Statute of Limitations

- No SOL for Sexual Offenses Against Victims Less Than 16 Years Old : Ala. Code § 15-3-5(4). For older victims, most sexual offenses are classified as felonies, which generally have a 3 year statute of limitations. Ala. Code § 15-3-2; see §§ 13A-6-60 through -70. A small number of sexual offenses are misdemeanors, which have a 1 year SOL.

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Alaska

Civil Statute of Limitations

- No SOL for Suits Based on Serious Sexual Offenses, 3 Years for Lesser Offenses : Actions for felony sexual abuse of a minor, felony sexual assault, or unlawful exploitation of a minor may be brought at any

time. Alaska Stat. § 09.10.065. Suits based on misdemeanor sexual abuse of a minor, misdemeanor assault, incest, and felony indecent exposure must be brought within 3 years. *Id.*

- Delayed Tolling for Minors : 18 years old + 2 years. Actions for misdemeanor abuse of a minor that accrue when the person entitled to bring such action is under 18 years old may be brought within 2 years after that person attains full age. Alaska Stat. § 09.10.140(a). Noting that § 09.10.140(a) limits this extension such that "the period within which the action may be brought is not extended in any case longer than two years after the [victim reaches the age of majority]." This language actually reduces some windows for bringing suit compared to their window without this statute: a victim of misdemeanor sexual abuse who is age 17 years and one day (and is not entitled to the discovery extension) has only two years after his 18th birthdays to file an action (for a total of some time less than three years), whereas victims below that age have the full three years allotted by § 09.10.065.
- Discovery/"Should have discovered" Rule: 3 year extension : There is a 3 year SOL for actions based upon misdemeanor sexual abuse of a minor from after "the plaintiff discovered or through reasonable diligence should have discovered that the act caused the injury or condition." Alaska Stat. § 09.10.140(b).
- Retroactivity: to Effective Date (October 1, 2001) : The effect of Alaska Stat. § 09.10.065 (eliminating the SOL actions based on serious sexual offenses) was limited to claims that were not time-barred on October 1, 2001. 2001 Alaska Sess. Laws 86 § 4; *Catholic Bishop of N. Alaska v. John Does 1-6*, 141 P.3d 719, 725 (Alaska 2006). The state legislature may, however, retroactively revive time-barred actions by a clear and explicit showing of intent to do so. *Id.*

Criminal Statute of Limitations

- No SOL for Sexual Offenses Against Minors : Sexual offenses perpetrated against children under age 18 as well as sexual offenses involving children (e.g. prostitution) have no statute of limitations. Alaska Stat. § 12.10.010(a).

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Arizona

Civil Statute of Limitations

- 2 year SOL for Suits Based on Sexual Abuse : Actions for most injuries may be brought within 2 years. There is no general statutory exception for sex-related actions. Arizona Rev. Stat. § 12-542.
- Delayed Tolling for Minors : 18 years old + 2 years: Arizona Rev. Stat. § 12-502.
- Discovery Rule : "[A] cause of action does not accrue until the plaintiff knows or with reasonable diligence should know the facts underlying the cause." *See Doe v. Roe*, 191 Ariz. 313 (1998).

Criminal Statute of Limitations

- No SOL for Sexual Conduct with or Molestation of Minor Victims Less than 15 Years Old : Arizona Rev. Stat. §§ 13-107(A), -1405, -1410. A charge of sexual conduct with a minor between 15 and 18 years old generally may be brought within 7 years, Arizona Rev. Stat. § 13-107(B)(1), although there is no statute of limitations if the perpetrator is the minor's parent, step-parent, adoptive parent, legal guardian, foster parent, or the minor's teacher or clergyman or priest. § 13-1405. Sexual abuse of a minor under 18 also has a 7

year statute of limitations. §§ 13-107(B)(1), -1404. Misdemeanor sex offenses have a 1 year SOL. § 13-107(B)(2).

- Discovery Rule : Tolling periods for criminal charges only begin after the actual discovery of the offense by the proper authorities or the discovery "that should have occurred with the exercise of reasonable diligence..." Arizona Rev. Stat. § 13-107(B).

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Arkansas

Civil Statute of Limitations

- Delayed Tolling for Minors : 21 years old + 3 years. While there is no explicit SOL for actions based on child sex acts, any action that accrues when the person entitled to bring such action is under 21 years old may be brought within 3 years after that person attains full age. Ark. Code Ann. § 16-56-116.
- Discovery Rule : There is a 3 year SOL for actions based upon sexual abuse of a minor from "the time of discovery of the sexual abuse." Ark. Code Ann. § 16-56-130. "Time of discovery" means when the injured party discovers the effect of the injury or condition attributable to the childhood sexual abuse." *Id.*
- Retroactivity to Effective Date Only : The above statute of limitations was retroactive to the effective date only (August 13, 1993). 1993 Ark. ALS 370. Arkansas is a "vested right" jurisdiction and does not allow the legislature to expand a statute of limitations that would revive a cause of action already barred. *See Branch v. Carter*, 933 S.W.2d 806 (Ark. 1996).

Criminal Statute of Limitations

- SOL is 6 Years for Serious Sexual Crimes Against Minors, 3 or 1 Year(s) for Others : The statute of limitations is 6 years for serious sexual felonies, including first degree sexual assault and rape. Ark. Code Ann. § 5-1-109(b)(1)(A). Rape is defined to include intercourse or deviate sexual activity with a victim less than 14 years old and incest with a victim less than 18. Ark. Code Ann. § 5-14-103. First degree sexual assault entails sexual intercourse or deviate sexual activity by certain government employees engaged in family services, by certain professionals "in a position of trust and authority over the victim" who uses that trust to engage in sexual intercourse or deviate sexual activity, or by someone employed by the victim's school district; and the victim is less than 18 years old. Ark. Code Ann. § 5-14-124.

3 years for other sexual felonies, and 1 year for sexual misdemeanors. § 5-1-109(b)(2)-(3).
- Delayed Tolling for Minors : 18 years old + 6, 3, or 1 year(s). If the victim of a sexual crime is a minor, the SOL does not run until he or she reaches 18. § 5-1-109(h).

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California

Civil Statute of Limitations

- Special Childhood Sexual Abuse SOL : 18 years old + 8 years. Ca. Civ. Proc. Code § 340.1(a).

- Limited Discovery Rule : 3 years. Actions against a person for committing childhood sexual abuse may be brought "within 3 years of the date the plaintiff discovers or reasonably should have discovered that psychological injury or illness occurring after the age of majority was caused by the sexual abuse" *Id.* Actions for liability against a person who owed the victim a duty of care and actions against a third party whose intentional act was the legal cause of the sexual abuse are barred on the victim reaches age 26, unless that person failed to take reasonable steps to prevent future unlawful sexual conduct by an employee or representative that it knew or had reason to know had engaged in such conduct. *Id.* § 340.1(b).
- 1 Year Window : From January 1, 2003. *Id.* § 340.1(c)

Criminal Statute of Limitations

- Delayed SOL for Most Sex Crimes Against Victims Less than 16 : Until victim is 28 years old. Ca. Penal Code § 801.1 allows prosecutions for a number of felony sex crimes committed against victims younger than 18 to be brought any time before the victim's 28th birthday. Felony sex crimes are sodomy, oral copulation, and sexual penetration of victims less than 16, §§ 286, 288a, 288.7, and performing lewd or lascivious acts against a child under the age of 14, § 288.
- Reporting Window: 1 year : After the above SOL has expired, prosecutions for a sexual crime committed against a victim younger than 18 may be brought within 1 year of the date a report is filed with a state law enforcement agency. Ca. Penal Code § 803(f). In this case, the allegations must be corroborated by admissible, independent evidence other than the victim's own testimony. *Id.*

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Colorado

Civil Statute of Limitations

- Delayed Tolling for Sexual Offenses Against Minors : 18 years old + 6 years. Colo. Rev. Stat. § 13-80-103.7. This extension does not apply to claims brought against a person other than the perpetrator of the sexual offense. *See Sandoval v. Archdiocese of Denver*, 8 P.3d 598 (Colo. App. 2000).
- Discovery Rule: 6 years : State courts have read a discovery rule into the above statute, stating that a suppressed memory is a "disability" that triggers the 6 year SOL only after the memory surfaces. *Id.* at 600.

Criminal Statute of Limitations

- No SOL for Felony Sexual Offenses Against a Child (Age Varies) : Colo. Rev. Stat. § 16-5-401(1). Most sexual offenses are felonies if committed against a child less than 15 years old, including various types of sexual assaults, §§ 18-3-402, -405, -405.3, as well as unlawful sexual contact, § 18-3-404, internet luring of a child, § 18-3-306(3), and internet sexual exploitation of a child, § 18-3-405.4. Crimes related to child trafficking and prostitution are generally felonies if the victim is less than 18 years old. E.g. §§ 18-3-402 through -406. Aggravated incest, for which the victim must be under 21 years old if a child of the actor or less than 10 years old for other relations, is also a felonious sexual offense. § 18-6-302.
- No Discovery Rule : Sexual offenses are not included in the statutory list of offenses having a run-at-discovery SOL. *See* Colo. Rev. Stat. § 16-5-401(4.5).

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Connecticut

Civil Statute of Limitations

- 30 Year Delayed SOL for Victims under Age 18 : Conn. Gen. Stat. § 52-577d.
In actions for personal injury based on events for which the actor was convicted of first degree sexual assault, there is no statute of limitations. § 577e.
- No Discovery Rule : See, e.g., *Rosado v. Bridgeport Roman Catholic Diocese Corp.*, 1997 Conn. Super. LEXIS 2496 (Conn. Super. Ct. Sept. 15 1997).
- Retroactive : The 30 year delayed statute of limitations, enacted in 2002, has recently been applied retroactively by the state's highest court. See *Doe v. Norwich Roman Catholic Diocesan Corp.*, 279 Conn. 207 (2006).

Criminal Statute of Limitations

- No SOL for Class A Felony Sexual Offenses; 5 year SOL for Most Others : See Conn. Gen. Stat. § 54-193(a). Class A felony sexual offenses include first degree and aggravated sexual assault if the victim is less than 16 years old, §§ 53a-70, -70a, and employment of a minor in an obscene performance, § 53a-196a. All felonious sexual offenses are or may be punished with imprisonment in excess of one year, e.g. § 53a-71 (sexual assault in the second degree), § 53a-191 (incest), and therefore carry 5 year statutes of limitations. § 54-193(b). Other sexual offenses (i.e. misdemeanor) must be prosecuted within 1 year of the offense. *Id.*
- Delayed SOL for Sexual Abuse of Minors: 30 Years : Prosecutions for sexual abuse of minors may be pursued within 30 years of the date the victim attains the age of majority (18), or within 5 years of the date the crime is reported to any police officer, whichever is earlier. Conn. Gen. Stat. § 54-193a.

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Delaware

Civil Statute of Limitations

- No SOL for Suits Based Upon Sexual Abuse of a Minor : Del. Code Ann. 10, § 8145. Such suits may be based on any sexual act that constitutes a criminal offense. *Id.*
- 2 Year Window : Open from July 1, 2007. *Id.*

Criminal Statute of Limitations

- No SOL for Sexual Offenses Except Sexual Harassment and Indecent Exposure : See Del. Code Ann. 11,

§ 205(e). But, prosecutions may not "be based upon the memory of the victim that has been recovered through psychotherapy unless there is some evidence of the corpus delicti independent of such repressed memory." *Id.*

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District of Columbia (D.C.)

Civil Statute of Limitations

- Delayed SOL for Minors : 18 years old + 3 Years. There is no specific SOL for suits based on sexual acts, see D.C. Code § 12-301, but the period does not begin tolling until the victim reaches age 18. *Id.*, § 12-302.
- Discovery Rule : "[T]he statute of limitations begins to run when a plaintiff either has actual knowledge of a cause of action or is charged with knowledge of that cause of action." *Cevenini v. Archbishop of Washington*, 707 A.2d 768 (D.C. 1998).

Criminal Statute of Limitations

- 15 Year SOL for Child Sexual Abuse, 10 Years for Most Other Child Sex Offenses : First and second degree child sexual abuse may be prosecuted within 15 years of the offense is committed. D.C. Code § 23-113(a)(2). Other forms of sexual abuse, using or promoting a minor in a sexual performance, and incest have 10 year statutes of limitations. § 23-113(a)(3). Other felonies must be brought within 6 years and misdemeanors within 3 years. §§ 23-113(a)(4)-(5).
- Delayed Tolling for Minors : 21 years old plus 15 or 10 Years depending on the act. D.C. Code § 23-113(d).

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Florida

Civil Statute of Limitations

- Delayed SOL for Actions Based on Sexual Abuse or Incest Against Minors : 18 years old plus 7 Years. Fla. Stat. § 95.11(7).
- Discovery Rule : 4 Years from the date a victim knew or should have known that the injury and abuse were causally connected. *Id.* The recovery of repressed memories of abuse also qualifies as such as "discovery." *Hearndon v. Graham*, 767 So. 2d 1179 (Fla. 2000).

Criminal Statute of Limitations

- No SOL for Serious Sexual Crimes and Some Felonies Committed Against Minors; 4 or 3 Years for Other Felonies; 2 for Most Misdemeanors : Capital and life felonies may be prosecuted at any time, as may any first degree felonious sexual battery committed against a victim less than 18 years old. Fla. Stat. §§ 775.15(1), (14). Sexual battery against a victim less than 12 years old is a capital felony, §§ 794.011(2)(a), (8)(c), while first degree sexual batteries include those committed by a person in familial or custodial

authority, § 794.011(8)(b), and those committed with force or violence, § 794.011(4). Other first degree felonies, which have an SOL of 4 years, § 775.15, include aggravated child abuse, § 827.03. Felonies that may be prosecuted for 3 years include incest, § 826.04, child abuse that does not cause great bodily harm, § 827.03(1), and non-violent sexual battery, § 794.011(5). Luring a child under 12 for an unlawful purpose is a first degree misdemeanor, § 787.025, and may be prosecuted for 2 years, § 775.15.

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Georgia

Civil Statute of Limitations

- Delayed SOL for Most Sexual Offenses Against Minor Victims : 18 years old + 5 Years. The SOL for childhood sexual abuse is 5 years once the victim reaches age of majority (18). Ga. Code Ann. § 9-3-33.1 "Childhood sexual abuse" is broadly defined to include acts related to rape, molestation, enticing a child, incest, sexual battery, and other sexual acts. *Id.*
- Discovery Rule Unlikely : Georgia's highest court has held that the common law discovery rule only applies to injuries that "develop only over an extended period of time." *Corp. of Mercer Univ. v. Nat'l Gypsum Co.*, 258 Ga. 365, 366 (1988). While the state Supreme Court has not directly ruled on whether injury resulting from sexual abuse is such an injury, the Court of Appeals for the 11th Circuit, applying Georgia law, has held that it is not. *M.H.D. v. Westminster Schs.*, 172 F.3d 797, 804 (11th Cir. 1999).
- No Retroactivity : Statute only applies from effective date, July 1, 1992. Ga. Code Ann. § 9-3-33.1 (Ga. L. 1992, p.2473 § 2, not codified by the Assembly, provided for prospective application only.)

Criminal Statute of Limitations

- 7 Year SOL for Most Sexual Offenses Against Victims Under Age 18 : Prosecutions for crimes punishable by life imprisonment or by death, and felonies committed against victims under age 18 may be brought within 7 years. § 17-3-1(b)-(c). Misdemeanors must be prosecuted within 2 years. § 17-3-1(d).
- Delayed SOL for Most Sexual Offenses Against Victims Under Age 16 : Prosecutions for cruelty to children, rape and statutory rape, sodomy, child molestation, enticing a child for indecent purposes, and incest of a victim less than 16 years old do not begin to run until the victim reaches that age or reports the crime, whichever is earlier. § 17-3-2.1.
- No SOL for Sexual Crimes If Identity of Accused is Based on DNA Evidence : § 17-3-1(c.1).
- Limited Discovery Rule : No SOL period runs while the person who committed the crime is unknown or the crime itself is unknown. § 17-3-2.

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Hawaii

Civil Statute of Limitations

- Delayed SOL for Suits Involving Minor Victims : 18 years old + 2 Years. The general SOL for personal injury

actions is 2 years, Haw. Rev. Stat. § 657-1(4), but tolling is delayed until the victim reaches 18, § 657-13.

- Discovery Rule : The discovery rule is such that the SOL begins to run when the victim knows or should have known that their injury and the abuse was causally related. *See Dunlea v. Dappen*, 924 P.2d 196 (Haw. 1996).

Criminal Statute of Limitations

- 6 Year SOL for Serious (Class A) Sexual Felonies, 3 Years for Others : Haw. Rev. Stat. § 701-108(2)(b), (d). Sexual offenses that are Class A felonies include first degree sexual assault (most victims under age 16 and sexual act committed by strong compulsion), § 707-730, continuous sexual assault of a minor under 14 (offender resides in the same house as the minor or has recurring access, and engaged in three or more sexual acts while the minor is under 14), § 707-733, and first degree promotion of child abuse (including production or participation in the preparation of child pornography), § 707-750. Most other sexual offenses are non-Class-A felonies, e.g., incest, § 707-741, second and third degree sexual assault, §§ 707-731, -732, second and third degree promotion of child abuse, §§ 707-751, -752, first and second degree electronic enticement of a child, §§ 707-756, -757.
- Delayed SOL for Felony Offenses Against Victims Under Age 18 : The SOL is tolled until the minor victim reaches the age of 18. § 701-108(6)(c).

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Idaho

Civil Statute of Limitations

- Delayed SOL for Child Abuse Suits : 18 Years Old + 5 Years. Idaho Code § 6-1704.
- Discovery Rule : The SOL begins to run when the victim discovers or should have discovered the injury and its causal relationship to the abuse. *Id.*
- No Retroactivity : The statute explicitly applies prospectively. § 6-1705 (effective July 1, 1989).

Criminal Statute of Limitations

- No SOL for Most Sexual Offenses Against Victims Under Age 16 : Idaho has no statute of limitations for prosecuting sexual abuse of a child, or lewd conduct with a minor, under age 16, § 19-401, or for rape of a victim under age 18. *Id.* Felonies carry 5 year SOLs. § 19-402. *Accord, e.g.*, § 18-6602 (incest), § 18-1507 (sexual exploitation of a child), § 18-1508a (sexual battery of a minor) § 18-1509a (enticing a child over the internet) with § 18-111 (defining felonies).

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Illinois

Civil Statute of Limitations

- Delayed SOL for Childhood Sexual Abuse Suits : 18 Years Old + 10 Years. 735 I.L.C.S. § 5/13-202.2(b)-(d).
- Discovery Rule : Suits for childhood sexual abuse may also be brought within 5 years of the date the victim discovers or reasonably should have discovered the act of abuse and the injury caused. § 13-202.2(b).

Criminal Statute of Limitations

- Delayed SOL for Most Sexual Offenses Against Minor Victims : 18 Years Old + 20 Years. 720 I.L.C.S. 5/3-6(j). Such offenses include criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or aggravated criminal sexual abuse. *Id.*

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Indiana

Civil Statute of Limitations

- Delayed SOL for Personal Injury Suits : 18 Years Old + 2 Years. The general SOL for personal injury actions is 2 years, Ind. Code § 34-11-2-4, although the statute is tolled until the victim turns 18, §§ 1-1-4-5 (defining a minor as being "under a disability"), 34-11-6-1 (tolling SOL while victim is "under a disability").

Criminal Statute of Limitations

- 5 Year SOL for Most Sexual Felonies Against Minor Victims, and Barred After the Victim Reaches 31 Years Old : Most sexual crimes against minor victims are classified as Class B, C, or D felonies, and must be prosecuted within 5 years. Ind. Code § 35-41-4-2(a)(1), although some are classified as Class A felonies—which have no SOL, § 35-41-4-2(d)—if committed by using or threatening to use deadly force or result in serious bodily injury. *See, e.g.*, § 35-42-4-1(b) (rape), § 35-42-4-3(b) (child molestation), § 35-42-4-5(a)(3) (vicarious sexual gratification).
- Age Limit: 31 Years Old : Prosecutions for the following child sex crimes may not be brought once the victim reaches age 31: child molestation, vicarious sexual gratification, child solicitation, child seduction, and incest. Ind. Code § 35-41-4-2.

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Iowa

Civil Statute of Limitations

- 5 Year SOL for Sexual Abuse or Exploitation By A Counselor, Therapist, or School Employee; 2 Year General SOL for Personal Injury Suits : IOWA CODE § 614.1 (2008).
- Discovery Rule for Actions Based on Child Sexual Abuse : For actions based on child sexual abuse, a claim may be brought within 4 years of the discovery of the date of a causal relationship between the injury and the sexual abuse. § 614.8A.
- Delayed Tolling for Minors : 18 years of age plus 1 year. § 614.8(2).

Criminal Statute of Limitations

- 10 Year SOL for Sexual Abuse, Incest, and Sexual Exploitation by a Counselor, Therapist, or School Employee Committed Against a Minor; 3 Years for Most Other Sexual Offenses : First, second, and third degree sexual abuse, incest , and sexual exploitation by a counselor, therapist, or school employee may be prosecuted within 10 years of the offense if committed against a minor victim. IOWA CODE §§ 802.2, 802.2A (2008). Felonies and aggravated or serious misdemeanors may be prosecuted within 3 years of the offense. *Id.* § 802.3.

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Kansas

Civil Statute of Limitations

- Later of Delayed SOL (18 + 3 Years) or Discovery Rule (3 Years) : Actions based on child sexual abuse may be brought until the later of three years from the victim's 18th birthday or three years from the date the victim "discovers or reasonably should have discovered that the injury or illness was caused by childhood sexual abuse . . ." KAN. STAT. ANN. § 60-523(a) (2008). The statute clarifies that "[d]iscovery that the injury or illness was caused by childhood sexual abuse shall not be deemed to have occurred solely by virtue of the person's awareness, knowledge or memory of the acts of abuse." *Id.* § 60-523(c).
- Retroactivity : Allows any action commenced "on or after July 1, 1992, including any action which would be barred by application of the period of limitation applicable" prior to the effective date. *Id.* § 60-523(d).

Criminal Statute of Limitations

- 5 Year General SOL : KAN. STAT. ANN. § 21-3106(4) (2008).
- Delayed Tolling/Discovery/Repressed Memory Rule May Toll SOL Until Victim Turns 28 Years Old : The SOL is tolled if two or more of the following conditions are supported by substantial competent evidence: (i) the victim was a child under 15 years of age at the time of the crime; (ii) the victim was of such age or intelligence that the victim was unable to determine that the acts constituted a crime; (iii) the victim was

prevented by a parent or other legal authority from making known to law enforcement authorities the fact of the crime whether or not the parent or other legal authority is the accused; and (iv) there is substantially competent expert testimony indicating the victim psychologically repressed such witness' memory of the fact of the crime, and in the expert's professional opinion the recall of such memory is accurate and free of undue manipulation, and substantial corroborating evidence can be produced in support of the allegations contained in the complaint *Id.* § 21-3106(5)(f). However, no prosecution delayed by this statute may be brought after the victim's 28th birthday. *Id.*

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Kentucky

Civil Statute of Limitations

- Latest of 5 Year SOL, Delayed Tolling (18 + 5 Years), and Discovery Rule (5 Years) for Actions Based on Child Sexual Assault or Abuse : KY. REV. STAT. ANN. § 413.249(2) (2008). Discovery here means knowledge of the act. *Id.*

Criminal Statute of Limitations

- No SOL for Felonies; 5 Year SOLs for Other Sexual Misdemeanors Against Minors : KY. REV. STAT. ANN. § 500.050 (2008). Felonies include all forms of rape, *id.* §§ 510.040-.060, most forms of sodomy, *id.* §§ 510.070-.090, sexual abuse in the first degree, *id.* § 510.110, unlawful use of electronic means to include a minor to engage in sexual or other prohibited activities, *id.* § 510.155, and incest, *id.* § 530.020.

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Louisiana

Civil Statute of Limitations

- Delayed SOL for Sexual Abuse of a Minor : 18 years of age plus 10 Years. LA. REV. STAT. ANN. § 9:2800.9 (2008).
- Discovery Rule : Louisiana courts have appeared to apply a year one discovery rule where "some cause of action is not known or reasonably known by the plaintiff, even though his ignorance is not induced by the defendant." *Wimberly v. Gatch*, 635 So.2d 206, 211 (La. 1994) (quoting *Rajnowski v. St. Patrick's Hospital*, 564 So.2d 671 (La. 1990)).

Criminal Statute of Limitations

- Delayed SOL for Most Sexual Offenses Against Minors (18 + 30 Years); No SOL for Particularly Serious Offenses : There is no time limitation for prosecutions of crimes for that are punishable by death or life imprisonment, including aggravated rape and forcible rape, LA. REV. STAT. §§ 14:42-42.1 (2008). LA. CODE CRIM. PROC. art. 571 (2008). Prosecution for the following crimes, when committed against a minor, may be begun within 30 years from the time the victim reaches age 18: sexual battery, LA. REV. STAT. ANN. § 14:43.1 (2008), second degree sexual battery, *id.* § 14:43.2, oral sexual battery, *id.* § 14:43.3, felony carnal knowledge of a juvenile, *id.* § 14:80, indecent behavior with juveniles, *id.* § 14:81,

molestation of a juvenile, *id.* § 14:81.2, crime against nature, *id.* § 14:89, aggravated crime against nature, *id.* § 14:89.1, incest, *id.* § 14:78, or aggravated incest, *id.* § 14:78.1. LA. CODE CRIM. PROC. art. 571.1 (2008).

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Maine

Civil Statute of Limitations

- No SOL for Actions Based on Sexual Acts Against Minors : ME. REV. STAT. ANN. tit. 14, § 752-C (2008).
- Retroactivity Unlikely : The federal District Court for the District of Maine has ruled that "[a]lthough later amendments to Section 752-C allow persons who were victims of sexual abuse as minors to pursue their claims at any time, the Legislature clearly did not intend for this expanded statute of limitations to revive claims that were already "barred by the previous statute of limitations in force" prior to the amendments. See Me. P.L. 1991, Ch. 551, § 2; Me. P.L.1999, Ch. 639, § 2." *Guptill v. Martin*, 288 F.R.D. 62 (D. Me. 2005).

Criminal Statute of Limitations

- No SOL for Most Sexual Offenses Against Victims Under Age 16 : "[I]f the victim had not attained the age of 16 years at the time of the crime, a prosecution for: incest; unlawful sexual contact; sexual abuse of a minor; rape or gross sexual assault, formerly denominated as gross sexual misconduct, may be commenced at any time." ME. REV. STAT. ANN. tit. 17-A § 8 (2008).

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Maryland

Civil Statute of Limitations

- Delayed SOL for Actions Based on Child Sexual Abuse (18 + 7 Years); Delayed SOL for Most Other Personal Injury Actions (18 + 3 Years) : Child sexual abuse actions may be brought within 7 years of the date the victim turns 18 years old. MD. CODE ANN., CTS. & JUD. PROC. § 5-117 (2008). Most other claims based on injury caused by sexual acts on a minor that do not constitute sexual abuse fall under the general SOL, which is 3 years, *see id.* § 5-101, although this period will be tolled until the victim turns 18. *Id.* § 5-201.
- Discovery Rule Possible But Unlikely : While the Maryland Court of Special Appeals has declined to extend the common law discovery rule to child sexual abuse actions, *see, e.g., Doe v. Archdiocese of Washington*, 689 A.2d 634 (Md. Ct. Spec. App. 1997), those decisions predate the expansion of the SOL for such actions in 2003 (*see above*) and generally relied, at least in part, on the fact that the Legislature had created no SOL exception for child sexual abuse actions. *See id.*
- No Retroactivity : Effective date, October 1, 2003. 2003 Md. Laws 360, sec 2.

Criminal Statute of Limitations

- No SOL for Felony Offenses; 1 Year SOL for Misdemeanors : Maryland has no time limitation for prosecutions of felonies. *See Clark v. State*, 744 A.2d 113, n.8 (Md. 2001). Most sexual offenses are classified as felonies. MD. CODE ANN., CRIM. LAW §§ 3-301 to -324 (2008). Misdemeanors may be prosecuted within 1 year. MD. CODE ANN., CTS. & JUD. PROC. § 5-106 (2008).

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Massachusetts

Civil Statute of Limitations

- Later of Delayed Tolling for Minor Victims (18 + 3 Years) and Discovery Rule (3 Years) for Assault and Battery Actions Based on Sexual Abuse of a Minor : MASS. GEN. LAWS ch. 260, § 4c (2008). "Sexual abuse" is defined broadly to include many forms of sexual actions. *See id.*

Criminal Statute of Limitations

- No SOL for Most Sexual Offenses Committed Against Minor Victims : However, independent evidence is required if prosecution is brought more than 27 years from the date of the offense. MASS. GEN. LAWS ch. 277, § 63 (2008).

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Michigan

Civil Statute of Limitations

- 2 Year Personal Injury SOL; No Specific SOL for Suits Based Upon Sexual Abuse of a Minor : MICH. COMP. LAWS § 600.5805(2), the general Personal Injury statute, allows 2 year SOL for action charging assault, battery, or false imprisonment.
- Delayed Tolling for Minors : If victim was under the age of 18 or insane, claimant has 1 year after the disability is removed (through death or otherwise) to bring a claim if the SOL has otherwise run. MICH. COMP. LAWS § 600.5851
- No Discovery Rule : No discovery rule for memory claims or claims that victims did not realize a causal connection between the sexual abuse and their injuries. *See, e.g. Lemmerman v. Fealk*, 201 Mich. App. 544, 507 N.W. 2d 226 (1993).

Criminal Statute of Limitations

- SOL Depending on the Nature of the Offense : No SOL for criminal sexual conduct in the first degree. MICH. COMP. LAWS § 764.24(1). For criminal sexual conduct in the second to fourth degree, and assault with intent to commit criminal sexual conduct, must file within 10 years after the offense is committed or

victim's twenty-first birthday, whichever is later. MICH. COMP. LAWS § 764.24(2)(a). All other indictments may be found and filed within 6 years after the offense is committed. MICH. COMP. LAWS § 764.24(5).

- DNA Exception : If evidence of the violation is obtained and that evidence contains DNA that is determined to be from an unidentified individual, an indictment against that individual for the violation may be found and filed at any time after the offense is committed. However, after the individual is identified, the indictment may be found and filed within 10 years after the individual is identified or by the alleged victim's twenty-first birthday, whichever is later. MICH. COMP. LAWS § 764.24(2)(b).

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Minnesota

Civil Statute of Limitations

- Delayed Tolling for Sexual Offenses Against Minors : 18 years of age plus 6 years. MINN. STAT. § 541.073 (2008).
- Discovery Rule : Minnesota's discovery statute specifies that an action: (a) must be commenced within six years the victim knew or had reason to know that the injury was caused by the sexual abuse, (b) the victim need not establish which act in a continuous series of sexual abuse acts caused the injury, and (c) the knowledge of a parent or guardian may not be imputed to a minor. MINN. STAT. § 541.073(a-c). The Minnesota Supreme Court held that the six-year period provided in the delayed discovery statute began to run when victim reached majority, *D.M.S. v. Barber*, 645 N.W.2d 383 (Minn. 2002). The Supreme Court applied the state's discovery rule to sexual abuse cases, but rejected a "realization" definition of discovery. *Blackowiak v. Kemp*, 546 N.W.2d 1 (Minn. 1996).

Criminal Statute of Limitations

- SOL Depending on the Nature of the Offense : If a minor when the acts occurred, the victim must bring a claim "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." MINN. STAT. § 628.26(e) (2008). 3 years for all other offences. § 628.26(k).
- Other Grounds for Tolling : However, if victim is coerced/prevented from reporting the three year limit is ignored. *State v. Danielski*, 374 N.W.2d 322 (Minn.App. 1985). In such situations, the incest victim must tell someone who actually brings information to proper authorities before statute runs. *State v. French*, 392 N.W.2d 596 (Minn.App. 1986).
- DNA Exception : There is no SOL for criminal sexual conduct in first to third degrees if DNA evidence was preserved. § 628.26(f).

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Mississippi

Civil Statute of Limitations

- 3 Year Personal Injury SOL; No Specific SOL for Suits Based Upon Sexual Abuse of a Minor : The general

personal injury statute allows 3 years within which to bring an action. MISS. CODE ANN. § 15-1-49 (2008). In actions for which no other period of limitation is prescribed and which involve latent injury or disease, the cause of action does not accrue until the plaintiff has discovered, or by reasonable diligence should have discovered, the injury. (However, see *Doe v. Roman Catholic Diocese of Jackson* below.).

- Delayed Tolling for Minors : The SOL is tolled until the victim reaches the age of majority (18 years of age). MISS. CODE ANN. § 15-1-59.
- Discovery Rule in Child Sex Abuse Cases Unlikely : Discovery rule did not apply to toll limitations period in alleged sexual abuse victim's case as there was no latent injury; acts of abuse alleged were physical acts of which person would be generally aware when events occurs. *Doe v. Roman Catholic Diocese of Jackson*, 947 So.2d 983, (Miss.App. 2006).

Criminal Statute of Limitations

- Generally No SOL for Sexual Battery of a Minor : No limitation if the victim is age 14-16 while abuser is 3+ years older, victim is under 14 while abuser is 2+ years older, or victim is under 18 while abuser is in position of authority or trust. MISS.CODE ANN. § 99-1-5 (2008). No limitation for touching or handling of children for lustful purposes. § 97-5-23. For other purposes, within 2 years of the offense. § 99-1-5.

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Missouri

Civil Statute of Limitations

- Later of Delayed Tolling for Minors (21 Years of Age plus 10 Years) or Discovery (3 Years After Discovery) : A victim must commence an action within ten years of attaining the age of 21 or within three years of the date when a victim discovers or reasonably should have discovered that an injury was caused by the abuse, whichever occurs latest. MO REV. STAT. § 537.046 (2009).
- Retroactivity : The statute specifies that it "shall apply to any action commenced on or after August 28, 2004, including any action which would have been barred by the application of the statute of limitation applicable prior to that date. § 537.046.

Criminal Statute of Limitations

- Delayed Tolling for Minors; 20 Year SOL for Most Offenses; No Limitations for the Most Serious of Offenses : Actions must be commenced within twenty years after the victim reaches the age of eighteen unless the prosecutions are for forcible rape, attempted forcible rape, forcible sodomy, kidnapping, or attempted forcible sodomy in which case such prosecutions may be commenced at any time. § 556.037.
- Discovery Rule : The tort claim does not begin to run until both the injury and the damage is ascertained by the victim. See *Powel v. Chaminade College Preparatory, Inc.*, 197 S.W.3d 576 (Mo. 2006).

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Montana

Civil Statute of Limitations

- Three (3) Year SOL from Time of the Abuse or Until Discovery of the Injury : An action must be brought within 3 years of the act constituting abuse or within three years after a victim discovers that they have sustained an injury caused by the abuse. MONT. CODE ANN. § 27-2-216 (2007).
- Delayed Tolling for Minors : The statute is tolled for the period of disability (minority). § 27-2-401.
- Discovery Rule : In *Werre v. David*, 913 P.2d 625 (Mont. 1996), the Montana Supreme court ruled that the SOL does not begin to run until the victims discovers the connection between the injury and his/her childhood sexual abuse. In addition, the Court ruled that the statute applies to acts against the perpetrator as well as to acts of negligence by non-perpetrator third parties.
- Retroactivity : The Montana legislature specifically provided that the statute be given retroactive effect: "[This act] applies to all causes of action commenced on or after October 1, 1989, regardless of when the cause of action arose. Section 5, Ch. 158, L. 1989. This action of the legislature was upheld in *Cosgriffe v. Cosgriffe*, 864 P2d 776, (Mont. 1993).

Criminal Statute of Limitations

- SOL Depending on the Nature of the Offense; Delayed Tolling for Minors : For felony offenses including sexual assault, sexual intercourse without consent, or incest (defined by Mont. Code Ann. §§ 45-5-502, 45-5-503, and 45-5-507(4), respectively), an action may be commenced within 10 years of the time the victim reaches the age of 18 if the victim was less than 18 at the time the offense occurred. A misdemeanor may be commenced within 5 years after the victim reaches 18 years of age if the offense was committed when the victim was less than 18; otherwise 1 year. Mont. Code Ann. § 45-1-205(1)(b) (2007). For offenses including those defined by Mont. Code Ann. §§ 45-5-504, 45-5-505 (deviate sexual conduct), 45-5-507(1), (2), (3), or (6) (incest), 45-5-625 (Sex abuse of children for pornographic purposes, etc.), or 45-5-627 (ritual abuse of minor) may be commenced within 5 years after the victim reaches 18 years of age if the victim was less than 18 years of age at the time that the offense occurred. Mont. Code Ann. § 45-1-205(1)(c).
- DNA Exception : "If a suspect is conclusively identified by DNA testing after a time period prescribed in subsection (1)(b) or (1)(c) has expired, a prosecution may be commenced within 1 year after the suspect is conclusively identified by DNA testing." § 45-1-205(9).

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Nebraska

Civil Statute of Limitations

- Four Year Personal Injury SOL; No SOL Specific to Child Sexual Abuse : A personal injury action must be brought within four years from the time when the cause of action accrues. NEB. REV. STAT. § 25-207 (2008).
- Delayed Tolling for Minors : The SOL is tolled if the victim "at the time the cause of action accrued [is] within the age of twenty years... [and] shall be entitled to bring such action within the respective times limited by this chapter after such disability is removed." § 25-213.

- Limited Discovery Rule : The Nebraska Supreme Court has held that the application of a discovery rule is determined by focusing on when the discovery of the injury occurs and not on when the injured party recognizes whose conduct is responsible for the injury. *Teater v. State of Nebraska*, 559 N.W.2d 758 (Neb. 1997).

Criminal Statute of Limitations

- No SOL for Most Criminal Prosecutions : No SOL for sexual assault of a child in the first degree under § 28-319.01 or for sexual assault of a child in the second or third degree under § 28-320.01. Nor is there any time limitations for prosecution or punishment for sexual assault in the third degree under §28-320 when the victim is under sixteen years of age at the time of the offense. NEB. REV. STAT. § 29-110(5) (2008).

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Nevada

Civil Statute of Limitations

- 10 Years from the Later of Delayed Tolling to Age of Majority or Discovery : A victim has ten years to bring an action arising from sexual abuse of a minor from the time that the victim reaches the age of 18 or discovers or reasonably should have discovered that the injury was caused by sexual abuse, whichever occurs later. NEV.REV. STAT. §11.215 (2008).

Criminal Statute of Limitations

- SOL Depending on Nature of Sexual Abuse; Delayed Tolling; Discovery : Nevada has unified the discovery rule, delayed tolling, and a bright line rule for child sexual abuse prosecutions. For felony sexual assault, the general rule is a 4 year SOL. NEV.REV. STAT. § 171.085 (2008). Other felonies are 3 years, misdemeanors are 2 years for gross misdemeanor and 1 year for simple. §§ 171.085, 171.090. For minors, an action may be brought for any offense constituting sexual abuse of a child: (1) Twenty-one years old if he discovers or reasonably should have discovered that he was a victim of the sexual abuse by the date on which he reaches that age; or (2) Twenty-eight years old if he does not discover and reasonably should not have discovered that he was a victim of the sexual abuse by the date on which he reaches 21 years of age. §171.095(1)(b). However, if a written report for a sexual assault is filed with a law enforcement officer during the limitation period, the limitation is removed. § 171.083.

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New Hampshire

Civil Statute of Limitations

- Later of Delayed Tolling (18 + 12 years) and Discovery Rule (+ 3 years) for Minor Victims : Actions based on sexual assault and related offenses, N.H. Rev. Stat. § 632-A *et seq*, or incest, § 639.2, committed against a victim under age 18 may be brought within the later of 12 years from the victim's 18th birthday or 3 years of the time the victim "discovers, or in the exercise of reasonable diligence should have discovered,

the injury and its causal relationship to the act or omission complained of." § 508:4-g.

- Retroactivity : The 12 year delayed tolling law went into effect Jan. 1, 2009. The previous version of the statute, including the enactment of the discovery rule, went into effect July 22, 2005.

Criminal Statute of Limitations

- Delayed Tolling for Minor Victims: 18 + 22 years : Sexual assault and related offenses, New Hamp. Rev. Stat. § 632-A *et seq*, and incest, § 639.2, committed against a victim under age 18 may be prosecuted within 22 years of the victim's 18th birthday. § 625:8.

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New Jersey

Civil Statute of Limitations

- Discovery Rule : 2 Years. "In any civil action for injury or illness based on sexual abuse, the cause of action shall accrue at the time of reasonable discovery of the injury and its causal relationship to the act of sexual abuse. Any such action shall be brought within two years after reasonable discovery" N.J. Stat. Ann. § 2A:61B-1(b).
- Delayed Tolling : A court is also entitled to toll the statute on other grounds including "the plaintiff's mental state, duress by the defendant, or any other equitable grounds." N.J. Stat. Ann. § 2A:61B-1(c).

Criminal Statute of Limitations

- No SOL for sexual assaults; 5 years for other sexual crimes : Prosecutions for sexual assault and aggravated sexual assault may be commenced at any time. N.J.S.A. § 2C:1-6(a)(1). These offenses cover victims less than 13 years old, as well as victims between 13 and 18 if the abuser is either a relative, has supervisory powers over the victim, or stands *in loco parentis*. N.J.S.A. § 2C:14-2. All other sexual crimes carry 5 year SOL periods. *See* § 2C:1-6(b)(1).
- Delayed SOL and Discovery Rule for Sexual Contact and Child Endangerment : Prosecutions for criminal sexual contact, N.J.S.A. § 2C:14-3, and endangering welfare of children, § 2C:24-4, may be brought within 5 years after the victim reaches age 18, or within two years following the reasonable discovery of the offense by the victim, whichever is later. § 2C:1-6(b)(4).

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New Mexico

Civil Statute of Limitations

- Later of Delayed Tolling (18 + 6 years) and Discovery Rule (+ 3 years) for Minor Victims : Actions based on childhood sexual abuse may be brought within the later of 6 years from the victim's 18th birthday or 3 years of the time the victim "knew or had reason to know of the childhood sexual abuse and that the childhood

sexual abuse resulted in an injury to the person, as established by competent medical or psychological testimony." N.M. Stat. Ann. § 37-1-30. "Childhood sexual abuse" is defined, *id.*, as behavior that would constitute criminal sexual penetration of a minor, § 30-9-11, criminal sexual contact with a minor, § 30-9-13, and criminal sexual exploitation of a child, § 30-6A-1 *et seq.*

Criminal Statute of Limitations

- No Limit for Only Most Serious Child Sex Offenses, 5 or 6 years for Most Others : There is no SOL for prosecutions of first degree felonies, a 6 year SOL for 2nd degree felonies, and a 5 year SOL for third and fourth degree felonies. § 30-1-8. Criminal penetration in the first degree (committed against a child less than 13 years old) is a first degree felony, in the second degree (committed against a child 13 to 18 years old and by the use of force or coercion) is a second degree felony, and in the fourth degree (committed against a victim 13 to 16 years old by someone over 18, more than 4 years older than the victim, and not the victim's spouse; or against a victim 13 to 18 years old by someone in the victim's school who is over 18, more than 4 years older than the victim, and knows or learns that the victim is a student in that school) is a fourth degree felony. § 30-9-11. Criminal sexual contact with a child is a second degree felony, and entails sexual contact with the unclothed intimate parts of a child under 13 years old, or a child between 13 and 18 when the perpetrator is in a position of authority over the child and uses that authority to coerce the child to submit, uses force or coercion that results in injury or is aided or abetted by another person, or uses as a deadly weapon. § 30-9-13(B). Any other sexual contact (i.e. not with the child's unclothed intimate parts), under the same conditions, is a third degree felony. § 30-9-13(C). Manufacture of child pornography is a second degree felony, while most other child pornography-related crimes are third or fourth degree felonies. §§ 30-6A-3, -4(C). Hiring or profiting from child prostitution is a second degree felony, unless the child is less than 13 years old, in which case receiving a profit is a first degree felony. § 30-6A-4.
- Delayed Tolling for Minor Victims : Tolled until the victim is 18 years old. The statute of limitations for prosecutions of criminal sexual penetration or contact with a child does not run until the earlier of the victim reaching age 18 or the reporting of the offense to law enforcement. § 30-1-9.1.

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New York

Civil Statute of Limitations

- Delayed Tolling for Sexual Offenses Against Minors : Five years for certain first degree sex offenses. N.Y. C.P.L.R. § 213-c. Three years for other offenses. § 214. Tolling is delayed with minors until the age of 18. § 208. The statute is also extended to 7 years from the date of the crime or 10 years from the conviction itself depending on the offense if the same defendant has been convicted of a criminal offense. § 213-b. Alternately, a civil claim may be brought within five years after the conclusion of a criminal action. § 215(8)(b).
- No Discovery Rule : "[T]he Statute of Limitations must run from the time of the act until the Legislature decrees otherwise." *Goldsmith v. Howmedica, Inc.*, 67 N.Y. 2d 120, 124 (1986); *See also Bassile v. Covenant House*, 594 N.Y.S. 2d 192, 193 (1993) *lv denied* 82 N.Y.2d 656.
- No Retroactivity : The current Statute of Limitations applies as of the effective date of the Act, June 23, 2006. 2006 N.Y. Laws ch. 3, sec. 5.

Criminal Statute of Limitations

- SOL depending on the nature of the offense : No SOL for first degree offenses. N.Y. Crim. Proc. Law § 30.10(2)(a). Five years for all other felony sex offenses. § 30.10(2)(b). Two years for misdemeanor sex offenses. § 30.10(2)(c).
- Delayed SOL for Sexual Abuse of Minors : Criminal SOL tolls until the 18th birthday of victim or until it is first reported to law enforcement, whichever comes first. N.Y. Crim. Proc. Law § 30.10(3)(f).

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North Carolina

Civil Statute of Limitations

- Three Year Statute of Limitations for Personal Injury : Actions for personal injury must be brought within three years of the occurrence. N.C. Gen. Stat. Ann. § 1-52(5).
- Discovery Rule : For latent injuries resulting from personal injuries actions, the cause of action does not accrue until the harm to the victim becomes apparent, or ought to have reasonably become apparent. No cause of action will accrue "more than 10 years from the last act of the defendant giving rise to the cause of action." N.C. Gen. Stat. Ann. § 1-52(16). *See also Soderlund v. Kuch*, 546 S.E.2d 632, 638 (N.C. Ct. App. 2001) (primary purpose of discovery statute is to protect latent injuries).
- Delayed Tolling for Disabilities/Minors : Persons under 18 years of age claiming personal injury may bring their cause of action within three after reaching the age of majority. N.C. Gen. Stat. Ann. § 1-17(a)(1).

Criminal Statute of Limitations

- No Statute of Limitations for Any Sexual Offense Felony : Sexual offenses that are classified as a felony have no statute of limitations. Sexual intercourse and sexual offenses with minors are considered felonies. N.C. Gen. Stat. Ann. § 15-10; *State v. Hardin*, S.E.2d 74, 75 (N.C. Ct. App. 1973); N.C. Gen. Stat. Ann. §§ 14-27.7.2A, 14-27.4A, 14-27.7.

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North Dakota

Civil Statute of Limitations

- Two Year Statute of Limitations for Sexual Assault and Battery Claims : A sexual abuse claim must be commenced within two years of the alleged abuse. N.D. Cent. Code § 28-01-18; *Peterson v. Huso*, 552 N.W.2d 83, 84 (N.D. 1996).
- Discovery Rule : North Dakota Courts affirmed the use of a discovery statute that allows the accrual of an action for sexual abuse to begin only when "the claimant knows, or with reasonable diligence should know, that a potential claim exists." *Peterson v. Huso*, 552 N.W.2d 83, 84 (Dakota 1996); *Osland v. Osland*, 442 N.W.2d 907, 909 (N.D.1989).

- Delayed Tolling for Minors : 18 years old + One Year. Persons under 18 years of age may bring their cause of action within one year after reaching the age of majority. N.D. Cent. Code § 28-01-25.

Criminal Statute of Limitations

- Seven-Year Statute of Limitations For Prosecution of Child Sexual Abuse : The sexual abuse of minors must be prosecuted within seven years of the offense, or if the victim fails to report the abuse, within three years of the reporting. However, if the victim is under 15 years of age, the statute of limitations does not begin until the victim turns fifteen. N.D. Cent. Code §§ 29-04-03.1, 29-04-03.2

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Ohio

Civil Statute of Limitations

- Twelve Year Statute of Limitations For All Childhood Sexual Abuse Claims : Any cause of action brought by a victim of childhood sexual abuse claims must be brought within 12 years of the date of accrual. Accrual begins on the 18th birthday of the victim. Ohio Rev. Code Ann. § 2305.111(C) (2009).
- Discovery Rule : In any action on or after the effective date of the statute (8/3/06) where the defendant has fraudulently concealed facts of the abuse claim, the statute of limitations will begin at the "time when the plaintiff discovers or in the exercise of due diligence should have discovered those facts." Ohio Rev. Code Ann. § 2305.111(C) (2009).
- Retroactivity To Effective Date of 8/3/06 : The new statute of limitations applies to all civil actions for claims resulting from childhood sexual abuse that occurred prior to the effective date of the act, and where a civil action for assault and battery has never been filed and the previous statute of limitations had not expired before the effective date of the statute. Act effective Aug. 3, 2006, c. 97, sec. 3, § 2305.111, 2907.01, 2006 Ohio Legis. Serv. Ann. (West).

Criminal Statute of Limitations

- Twenty-Year Statute of Limitations for Criminal Prosecution of Child Sexual Abuse : Criminal prosecutions of child sexual abusers must be commenced within 20 years of the occurrence. The statute of limitations will be tolled until the victim turns 18 or when responsible adult (not including family members) who has a legal duty to report abuse is aware of such abuse. Ohio Rev. Code Ann. §§ 2901.13(I)(1), 2151.421 (2009); *State v. Elsass*, 105 Ohio App.3d 277, 663 N.E.2d 1019 (Ohio Ct. App. 1995); *State v. Turner*, 91 Ohio App.3d 153, 631 N.E.2d 1117 (Ohio Ct. App. 1993).

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Oklahoma

Civil Statute of Limitations

- Two Year Statute of Limitations for Childhood Sexual Abuse Claims : Child sexual abuse victims have two

years after the last incident of abuse that caused the injuries to file their claims. Okla. Stat. Ann. 12 § 95(6)(a) (2008).

- Delayed Tolling for Minors : Generally, persons under 18 years of age may bring their cause of action within two years after reaching the age of majority. Or, alternatively, if the abuser is in a state, federal or local correctional facility or jail, the victim has five years from their release to file their claim. The statute of limitations will begin to run at whichever date is later. Okla. Stat. Ann. 12 § 95(6)(b) (2008).
- Twenty Year Statute of Limitations for Claims Against Incarcerated Abusers : Victims may file claims against at any time during the incarceration of the offender for injuries caused by criminal actions, but any action against an incarcerated abuser must be commenced within twenty years of the victim turning 18. Okla. Stat. Ann. 12 § 95(6)(b), (7) (2008).
- Discovery/"Should Have Discovered" Rule: Two-Year extension : Victims alternatively have two years from the "time the victim discovered or reasonably should have discovered that the injury or condition was caused by the act or that the act caused the injury for which the claim is brought." Okla. Stat. Ann. 12 § 95(6)(b) (2008).

Criminal Statute of Limitations

- Twelve-Year Statute of Limitations for Felony Sexual Offenses; All Others Three Years : A 12-year statute of limitations exists for sexual offenses against minors that are classified as felonies after discovery of the offense. Discovery means the date that the crime against a minor was reported, or one year after the victim turns 18. For all other offenses, there is a three-year statute of limitations after the date of the offense. Okla. Stat. Ann. 22, § 152(C)(1), (H), (F) (2008).
- DNA Evidence Exception : A prosecution against these offenses may be brought any time after the offense as long as the victim reported the abuse within 12 years after discovery, physical evidence which can provide a DNA sample was collected, and the abuser can be identified by this DNA. The prosecution must be commenced within three years from the date on which the identity of the suspect is established by DNA testing. Okla. Stat. Ann. 22, § 152(C)(2) (2008).

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Oregon

Civil Statute of Limitations

- Delayed Tolling for Sexual Offenses Against Minors : 18 years of age plus 6 years. Victims have six years from their 18th birthday to commence their claims. Or. Rev. Stat. Ann. § 12.117(1) (2008).
- Discovery/"Should Have Discovered" Rule: Three-Year Extension : Accrual of the statute of limitations for a civil action may commence "not more than three years from the date the injured person discovers or in the exercise of reasonable care should have discovered the injury or the causal connection between the child abuse and the injury." Or. Rev. Stat. Ann. § 12.117(1) (2008).
- Retroactivity of 7/8/93 O.R.S. 12.117 Statute : The legislature has deemed that the six-year statute of limitations and the three-year discovery statute are retroactive, and apply to all causes of action that arise before, on or after the effective date of act (7/8/93), and revive any cause of action that was previously barred by the 1991 statute. Also, any claim brought before the 1993 statute that was previously barred by the 40 years of age constraint was now free to be brought up until one year after the commencement of the 1993 statute. *P.H. v. F.C.*, 873 P.2d 465, 466, 127, Or.App. 592 (Or. Ct. App. 1994); Act effected Aug. 10,

1993, c. 622, sec. 2, § 12.117, 1993 Or. Laws (West).

Criminal Statute of Limitations

- Six-Year Statute of Limitations for Felonies; Four Years of Misdemeanors : Certain felonies, including incest, sexual abuse in the first and second degree, have a six-year statute of limitations after the commission of the offense. If the victim is under 18 years of age, criminal proceedings must be brought before the victim turns 30, or within twelve years of the after the incident is reported to legal authorities, which ever occurs first. For other misdemeanors involving sexual abuse in the third degree, the prosecution must be brought within four years of the offense. Or. Rev. Stat. Ann. § 131.125(2) (2008). If the victim was under 18 years of age, "anytime before the victim attains 22 years of age or within four years after the offense is reported to a law enforcement agency." Or. Rev. Stat. Ann. § 131.125(3) (2008).
- Application of 6-Year SOL to Sexual Offenses : The Court of Appeals found that the extended six-year statute of limitations for sexual offenses, rather than the three-year limit for other felonies, applied to sexual abuse charges although amended limitations statute did not specify the offenses charged. *State v. Sharp*, 949 P.2d 1230, 1233, 151 Or.App. 122 (1997).

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Pennsylvania

Civil Statute of Limitations

- Delayed Tolling for Minors; Twelve-Year Statute of Limitations for Childhood Sexual Abuse : Victims who were minors when the abuse occurred have twelve years from their 18th birthday to bring a civil action regardless of whether or not the victim brings a criminal proceeding as well. 42 Pa. Cons. Stat. Ann. § 5533 (2008).
- No Discovery Statute for Repressed Memories : The courts will not toll the statute of limitations in childhood sexual abuse cases regardless of the victim's inability to bring suit due to repressed memories. The Court reasoned that the discovery statute is for when "the injury is not readily discernible as opposed to cases where it is the incapacity of the plaintiff which causes the delay in bringing suit." *Dalrymple v. Brown*, 701 A.2d 164, 168 (1997); *Pearce v. The Salvation Army & Crouch*, 674 A.2d 1123 (Pa. Super. Ct. 1996); *Seto v. Willits*, 638 A.2d 258 (Pa. Super. Ct. 1994).
- No Retroactivity for Previously Time-Barred Claims : The statute will not revive any claim which has been barred by a prior existing statute of limitations. Act. No. 2002-86, sec. 3, § 5533(b), 2002 Pa. Laws (West).

Criminal Statute of Limitations

- Statute of Limitations for Childhood Sexual Abuse Charges End When the Minor Victim Turns 50 : Prosecution of childhood sexual abuse charges must be commenced before the minor victim turns 50 years old. 42 Pa. Cons. Stat. Ann. § 5552(c)(3) (2008).
- DNA Exception : If a DNA test can identify an otherwise unidentifiable perpetrator, prosecution may be commenced within the previously stated statute of limitations, or one year after the identity of the perpetrator is discovered, whichever is later. 42 Pa. Cons. Stat. Ann. § 5552(c.1) (2008).

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Rhode Island

Civil Statute of Limitations

- 7-year SOL for Suits against Perpetrators Based on Sexual Abuse : Claims based upon intentional conduct, i.e. against a perpetrator, must be brought within 7 years of the act of abuse, or 7 years from when the victim discovered or reasonably should have discovered that his/her injuries were caused by the sexual abuse. R.I. Gen. Laws § 9-1-51(a)(2008).
- 3-year SOL for Non-Perpetrators : Claims against non-perpetrators must be brought under the general tort statute of limitations. Suits must be filed within 3 years of the acts constituting negligence. R.I. Gen. Laws § 9-1-14(b) (2008).
- Discovery Rule : Statutorily defined as against perpetrators (see above). Under Rhode Island law, discovery rule does not extend to claims against non-perpetrator defendants for damages arising from childhood sexual abuse and are governed by the general three-year statute of limitations for personal injuries. See *Ryan v. Roman Catholic Bishop of Providence*, 941 A.2d 174 (R.I., 2008).

Criminal Statute of Limitations

- No Limit for Criminal Acts of Sexual Assault in the First Degree or Child Molestation in the First or Second Degree : No limit for First degree sexual assault (§ 11-37-2), First degree child molestation sexual assault (§ 11-37-8.1), Second degree child molestation sexual assault (§ 11-37-8.3) R.I. Gen. Laws § 12-12-17(a). For any other criminal offense, within three years after commission of the offense. R.I. Gen. Laws § 12-12-17(c) (2008).

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South Carolina

Civil Statute of Limitations

- 6 Years After Victim Reaches Age 21 or 3 Years From Discovery of Injury and Causal Relationship Between Abuse and Injury : S.C. Code Ann. §15-3-555(A)(2008).
- Discovery Rule : A Court may suspend the SOL during the period in which a victim psychologically represses his or her memory of sexual abuse. The Supreme Court of South Carolina has stated that SOL begins to run on the date a reasonable person in the victim's circumstances was no longer repressing memories of abuse and the resurfacing memories would have put a reasonable person on sufficient notice, i.e. an objective standard. The victim may attempt to recover damages when those memories are triggered and remembered. *Moriarty v. Garden Sanctuary Church of God*, 341 S.C. 320, 534 S.E.2d 672 (S.C. 2000).
- No Retroactivity : Cannot be used to revive claims that expired prior to amendment effective August 31, 2001. A new statute cannot be used to revive a claim that had expired prior to its passage pursuant to the due process clause of the South Carolina constitution. *Doe v. Crooks*, 364 S.C. 349 (S.C. 2005). Prior to 2001, the limitations period was provided by §§ 15-3-530(5) and 15-3-535.

Criminal Statute of Limitations

- NO SOL for Any Criminal Prosecution in South Carolina : Sexual conduct with a minor is considered a first degree felony if offender engages in sexual battery with a victim who is under 11 or who is under 16, and offender has previously been convicted of or pled guilty to a sexual offense. It is considered a second-degree felony if offender engages in sexual battery with a victim who is at least 11 but under 14 or who is at least 14 but under 16, and offender is in a position of familial, custodial, or official authority to coerce victim to submit. However, a person may not be convicted of a second-degree felony if he is 18 or younger when he engages in consensual sexual conduct with another person who is at least 14. S.C. Code Ann. § 16-3-655 (2008). Incest is also a crime under S.C. Code Ann. § 16-15-20.

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South Dakota

Civil Statute of Limitations

- 3-year SOL for Childhood Sexual Abuse : Suits must be brought within 3 years of the act or within 3 years of discovering that the injury was caused by the act (or reasonably should have discovered that the injury was caused by the act). S.D. Codified Laws § 26-10-25 (2008).
- Retroactivity : South Dakota's SOL, allowing for child sexual abuse civil cases brought within three years of date victim discovered or should have discovered that claimed injury was caused by abusive act, could be applied retroactively to cover abuse occurring prior to passage of statute. *DeLonga v. Diocese of Sioux Falls*, 329 F.Supp.2d 1092 (2004); *Stratmeyer v. Stratmeyer*, 567 N.W.2d 220 (SD 1997) (overruling *Koenig v. Lambert*, 527 N.W.2d 903 (S.D. 1995)).

Criminal Statute of Limitations

- No limitation on class A, class B, or class C felonies : Including any rape where the victim is under the age of 13. S.D. Codified Laws § 23A-42-1 (2008).
- 7-year SOL for other prosecutions : S.D. Codified Laws § 23A-42-2 (2008).
- SOL Tolled Until Age 25 for Rape Victims : Victim of any offense under SDCL § 22-22-1 can bring charges at any time prior to the time the victim becomes age twenty-five or within seven years of the commission of the crime, whichever is longer. S.D. Codified Laws § 22-22-1 (2008). Furthermore, a charge brought for sexual contact with a person under 16 may be commenced at any time before the victim becomes age twenty-five or within seven years of the commission of the crime, whichever is longer. S.D. Codified Laws § 22-22-7 (2008).

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Tennessee

Civil Statute of Limitations

- 1-year SOL For All Personal Tort Actions : There is no special statute of limitations for survivors of sexual abuse. Personal tort actions must be brought within one year of the date the cause of action accrued (began to run, in most instances, when the injury was inflicted). Tenn. Code. Ann. § 28-3-104 (West 2008).
- Tolling If The Person Injured Was Under 18 : The suit can be brought within one year of reaching 18 (i.e., the limitations period will expire the day before a victim's 18th birthday). Tenn. Code. Ann. § 28-1-106 (West 2008).
- Common Law Discovery Rule : While the discovery rule is applied in common law, it is strictly applied. *Hunter v. Brown*, 955 S.W.2d 49 (Tenn. 1997) (statute of limitations begins to run when injury is discovered, or in the exercise of due care and diligence, plaintiff discovers that he or she has a right of action; limitations period is tolled only during period when plaintiff has no knowledge at all that a wrong has occurred and, as a reasonable person, was not put on inquiry.) Note that because the Plaintiff in Hunter had continuous memory of her abuse, the court stated that the case did not fairly raise the issue of repressed memory and specifically reserved decision on the applicability of the discovery rule to repressed memory "for another day."

Criminal Statute of Limitations

- SOL Depending on the Nature of the Offense; 15-Year SOL for a Class A Felony; 8-Year SOL for a Class B Felony; 4-year SOL for a Class C or Class D Felony : See Tenn. Code. Ann. § 40-2-101 (West 2008). Class A felonies include aggravated rape of a child (§ 39-13-531) and rape of a child more than three (3) years of age but less than thirteen (13) years of age (§ 39-13-522). Class B felonies include aggravated rape (§ 39-13-502) and Rape (§ 39-13-503). Class C and D felonies include statutory rape by an authority figure (§ 39-13-532) Tenn. Code. Ann. § 40-2-101 (West 2008), Sexual battery by an authority figure of a child 13 yrs or older but less than 18 yrs old (§ 39-13-527), Incest (§ 39-15-302).
- Tolled until age 18 or 4 years after the offense was committed if committed against a child prior to July 1, 1997 : and offense is Aggravated rape (§ 39-13-502), Rape (§ 39-13-503), Aggravated sexual battery (§ 39-13-504), Sexual battery (§ 39-13-505), or Incest (§ 39-15-302) unless the offense was committed prior to November 1, 1989. Tenn. Code. Ann. § 40-2-101 (West 2008).
- Tolled until age 21 if committed against a child prior to July 1, 1997 : and offense is Aggravated rape (§ 39-13-502), Rape (§ 39-13-503), Aggravated sexual battery (§ 39-13-504), Sexual battery (§ 39-13-505), Incest, or Rape of a child more than three but under 13 (§ 39-13-522). Tenn. Code. Ann. § 40-2-101 (West 2008).
- SOL of 25 years after victim turns 18: for any offense committed against a child on or after June 20, 2006 : that constitutes any of the following criminal offenses: Aggravated rape (§ 39-13-502), Rape (§ 39-13-503), Aggravated sexual battery (§ 39-13-504), Sexual battery (§ 39-13-505), Rape of a child more than three (3) years of age but less than thirteen (13) years of age (§ 39-13-522), Sexual battery by an authority figure of a child 13 yrs or older but less than 18 yrs old (§ 39-13-527) or Incest (§ 39-15-302). Tenn. Code. Ann. § 40-2-101 (West 2008).
- SOL of 25 years after victim turns 18: for any offense committed against a child on or after July 1, 2007 : that constitutes Aggravated rape of a child (where victim is 3 years of age or less) (§ 39-13-531) or Statutory rape by an authority figure (§ 39-13-532). Tenn. Code. Ann. § 40-2-101 (West 2008).

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Texas

Civil Statute of Limitations

- 5-year SOL : including sexual assault, aggravated sexual assault, or continuous sexual abuse of a young child or children. Tex. Civ. Prac. & Rem. Code Ann. § 16.0045 (Vernon 2008).
- Delayed Tolling for Minors : If the victim was a minor, the SOL does not begin to run until his/her 18th birthday. Tex. Civ. Prac. & Rem. Code Ann. § 16.001 (Vernon 2008).
- Discovery Rule : The Texas Supreme Court applies a case-by-case discovery rule. As a rule, they have held that the SOL will begin to run when a wrongful act causes some legal injury, even if the fact of injury is not discovered until later, and even if all resulting damages have not yet occurred. However, there have been cases where the SOL did not start to run until the plaintiff discovered, or through the exercise of reasonable care and diligence should have discovered, the nature of the injury. See *S.V. v. R.V.*, 933 S.W.2d 1 (Tex. 1996); *Vesecky v. Fenwick*, 880 S.W.2d 804 (Tex. App. 1994).

Criminal Statute of Limitations

- No SOL for Most Prosecutions : for sexual assault or aggravated sexual assault of a child (§§ 27.011(a)(2), 27.012(a)(1)(B)), continuous sexual abuse of a young child (§ 21.02), indecency with a child (§ 21.11)(if the offense was not barred prior to Sept. 1, 2007), or 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 readily ascertained. Tex. Code Crim. Proc. Ann. art. 12.01(1) (Vernon 2007).
- 10 year SOL : for sexual assault (§ 22.011) and aggravated sexual assault (§ 22.021). Tex. Code Crim. Proc. Ann. art. 12.01(2)(E) (Vernon 2007).

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Utah

Civil Statute of Limitations

- Delayed Tolling For Minors: 18 years old or "Discovery" + 4 years : A person shall file a civil action for intentional or negligent sexual abuse suffered as a child within four years after the person attains the age of 18 years or, if a person discovers sexual abuse only after attaining the age of 18 years, that person may bring a civil action for such sexual abuse within four years after discovery of the sexual abuse, whichever period expires later. Utah Cod Ann. 1953 § 78B-2-308(2) (West 2008).
- Application of the Discovery Rule : Utah courts have allowed only narrow and limited application of the statutory discovery provisions. In *Olsen v. Hooley*, 865 P.2d 1345 (Utah 1993), the Utah Supreme Court held that the "exceptional circumstances" provision of the state discovery rule is applicable to a "totally repressed" memory case. The limitations period begins to run at the point the plaintiff recalls the abuse. *Colosimo v. Roman Catholic Bishop of Salt Lake City*, 865 P.2d 806, 811 (Utah 2007). See also *Burkholz v.*

Joyce, 972 P.2d 1235 (Utah 1998) (refusing to apply discovery rule when Plaintiff had knowledge of the claim at age 19). In *Franklin v. Stevenson*, 1987 P.2d 22 (Utah 1999), the court reversed a jury verdict and ruled that repressed memory testimony should not have been admitted at trial because its scientific reliability was not established in the trial court.

Criminal Statute of Limitations

- SOL Depending on the Nature of the Offense : No SOL for the rape of a child, object rape of a child, sodomy on a child, sexual abuse of a child, aggravated sexual abuse of a child. Utah Code Ann. 1953 § 76-1-301 (West 2008). 8 yr SOL for forcible sexual abuse, provided that the offense was reported to a law enforcement agency within 4 yrs after commission of the offense. 4 yr SOL for all other felonies. Utah Code Ann. § 76-1-302(1)(a) (West 2008). 2 yr SOL for all misdemeanors. Utah Code Ann. § 76-1-302(1)(b) (West 2008).
- DNA Exception : For the following offenses, prosecution may be commenced at any time if the identity of the person who committed the offense is unknown but DNA evidence is collected that would identify the person at a later date (except that the provision does not apply if the SOL on an offense has run as of May 5, 2003, and no charges have been filed. U.C.A. 1953 § 76-1-302. If the statute of limitations would have run but for the provisions of Subsection (2) and identification of a perpetrator is made through DNA, a prosecution shall be commenced within one year of the discovery of the identity of the perpetrator. U.C.A. 1953 § 76-1-302(2)(b)-(3): child abuse, §§ 76-5-109(2)(a) and (b); abuse or neglect of disabled child, §§ 76-5-110; abuse, neglect, or exploitation of a vulnerable adult, § 76-5-111; endangerment of child or elder adult, § 76-5-112.5; rape, §76-5-402; rape of a child, § 76-5-402.1; object rape, § 76-5-402.2; object rape of a child, § 76-5-402.3; forcible sodomy, § 76-5-403; sodomy on a child, § 76-5-403.1; forcible sexual abuse, § 76-5-404; aggravated sexual abuse of a child and sexual abuse of a child, § 76-5-404.1; aggravated sexual assault, § 76-5-405; sexual exploitation of a minor, § 76-5a-3. Utah Code Ann. 1953 §§ 76-1-302, 76-3-203.5 (West 2008).

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Vermont

Civil Statute of Limitations

- Delayed Tolling for Sexual Offenses Against Minors : 18 years of age plus 6 years. Within 6 years of the act, Vt. Stat. Ann. Tit. 12, § 522(a), or 6 years of turning 18 and/or the removal of a disability including insanity or imprisonment (12, §551) or incapacity from damages caused by childhood sexual abuse (12, § 560).
- Discovery Rule : Within 6 years of the time of discovery. Victim need not establish which act caused the injury, if the abuse was continuing. 12, § 522(a).

Criminal Statute of Limitations

- The criminal SOL is generally 6 years except is tolled until age 24 when the victim was under the age of 16 : "Prosecutions for sexual assault, lewd and lascivious conduct and lewd or lascivious conduct with a child, alleged to have been committed against a child 16 years of age or under, shall be commenced within the earlier of the date the victim attains the age of 24 or six years from the date the offense is reported, and not after." Vt. Stat. Ann. tit. 13, § 4501(c). In cases for the same offenses where the child is under 18 but over 16, the 6 year statute of limitations applies. 13, § 4501(b). But, there is no limitation for aggravated sexual assault or kidnapping. 13, § 4501(a).

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Virginia

Civil Statute of Limitations

- Delayed Tolling for Minors : Most personal injury claims have SOLs of 2 years after the cause of action accrues. Va. Code Ann. § 8.01-243 (2003); or, 2 years from removal of disability including legal incapacity and minority. § 8.01-229 (2003).
- Discovery Rule : 2 year limitation period will run from removal of disability (see above), or when the fact of the injury and its causal connection to the sexual abuse is first communicated to the person by a licensed physical, psychologist or clinical psychologist. § 8.01-249 (2003).

Criminal Statute of Limitations

- No SOL for any felony : See Va. Code Ann. § 19.2-8 (2003) (only non-felonious offenses subjected to time limitations to prosecution in this section).

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Washington

Civil Statute of Limitations

- Delayed Tolling for Sexual Offenses Against Minors : The SOL of three years is tolled until the minor victim reaches the age of 18. Wash. Rev. Code Ann. § 4.16.340(1).
- Discovery Rule : Until victim discovered or reasonably should have discovered that the injury or condition was caused by said act. Wash. Rev. Code Ann. § 4.16.340(1)(b). Or, until victim that the act caused the injury for which the claim is brought. § 4.16.340(1)(c).

Criminal Statute of Limitations

- Most offenses are within 3 years of the CSA victim's 18th birthday or within 7 years of the offense, whichever is later. : See Wash. Rev. Code Ann. § 9A.04.080(1)(c). Excepting if a 1st or 2nd degree rape victim was under 14 years old at the time of the offense and it was reported to the police within one year after its commission, then action must be brought within 3 year of victim's 18th birthday or 10 years after the commission, whichever is later. Wash. Rev. Code Ann. § 9A.04.080(1)(b)(iii).

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West Virginia

Civil Statute of Limitations

- Delayed Tolling for Sexual Offenses Against Minors : West Virginia has not adopted a SOL specific to child sex abuse. Nonetheless, the personal injury SOL 2 years and is tolled until the victim turns 18. W. Va. Code § 55-2-15.
- Discovery Rule : The burden is on the victim to demonstrate that he/she was prevented from knowing of the claim at the time of the injury by reason of fraudulent concealment, inability to comprehend the injury, or other extreme hardship. Mere ignorance of existence of cause of action or of identity of wrongdoer does not prevent running of statute of limitations. Nor can the discovery rule be used to extend past the 20 year statute of repose set forth in W. Va. Code § 55-2-15. See *Donley v. Bracken*, 192 W.Va. 383 (1994).

Criminal Statute of Limitations

- No SOL for any felony; 1 year for misdemeanors : Felonies include sexual assault and sexual abuse in the first degree as defined by W. Va. Code § 61-8B-3, 4, 5, and 7. Sexual abuse by a parent, guardian, custodian, or person in a position of trust to a child is a felony. § 61-8D-5. Incest is also a felony. § 61-8-12. Sexual abuse in the second and third degree as defined by § 61-8B-8, 9 are misdemeanors.

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Wisconsin

Civil Statute of Limitations

- Action Must Be Brought Before the Victim Turns 35 : See Wis. Stat. Ann. § 893.587. Wisconsin's Legislature has adopted a bright line rule allowing victims of several classes of abuses including those defined in §§ 948.02, 948.025, 948.06, 948.085, or 948.095 or would create a cause of action under § 895.442 to bring a claim until the age of 35.

Criminal Statute of Limitations

- SOL depending on the nature of the offense : No limitation for first degree sexual assault of a child, or engaging in repeated acts of sexual assault of the same child including class A and class B felonies. Wis. Stat. Ann. § 939.74(2)(a). For second degree sexual assault of a child, repeated class C sexual assault of the same child, incest with a child, sexual assault of a child placed in substitute care, and sexual assault of a child by a school staff person or a person who works or volunteers with children, the action must be brought before the victim turns 45. § 939.74(2)(c). Other actions must be brought within 6 years of the act if a felony and within 3 years of the act if a misdemeanor. Nonetheless, a majority of claims fall within the bright line rule embodied in § 939.74(2)(c).

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Wyoming

Civil Statute of Limitations

- Delayed Tolling for Sexual Offenses Against Minors : Wyo. Stat. §1-3-105(b) provides that an action for childhood sexual abuse may be brought within the later of: 8 years after a minor's 18th birthday, or 3 years after discovery.
- Discovery Rule : Although explicitly mentioned in § 1-3-105(b)(ii), "discovery" has been defined by the Wyoming Supreme Court to be the moment the victim discovered or in the exercise of reasonable diligence should have discovered the psychic trauma regardless of when the physical trauma had occurred. See *McCreary v. Weast*, 971 P.2d 974 (Wyo. 1999)

Criminal Statute of Limitations

- No SOL for any criminal prosecution : See *Boggs v. State*, 484 P.2d 711 (Wyo. 1971).

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