

# Criminal Statutes of Limitations Arkansas

*Last Updated: March 2020*

## Rape

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class Y felony.  1. Within six years after commission of the offense; or 2. If the crime was committed against a minor, prosecution can occur at any time. 3. Additionally, please see "Are there any exceptions to the statute of limitations laws?" below for more information.
Statutory citation(s):	1. Citation for the crime: Ark. Code § 5-14-103. 2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(D) and § 5-1-109(b)(1)(A).

## Sexual assault, first degree

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class A felony.  1. A prosecution may be commenced for a violation of this crime at any time.
Statutory citation(s):	1. Citation for the crime: Ark. Code § 5-14-124. 2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(F).

## Sexual assault, second degree

Question	Answer
----------	--------

What is the statute of limitations for this crime?	This crime is a Class B felony. If, however, offender is a minor and victim is less than 14 and not offender's spouse, then crime is a Class D felony. <ol style="list-style-type: none"> <li>1. A prosecution may be commenced for a violation of this crime at any time if the victim was a minor at the time of the offense; or</li> <li>2. Within three years after commission of the offense.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Ark. Code § 5-14-125.</li> <li>2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(G) and § 5-1-109 (b)(2).</li> </ol>

### Sexual assault, third degree

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class C felony. <ol style="list-style-type: none"> <li>1. A prosecution may be commenced for a violation of this crime at any time if, when the alleged violation occurred, the offense was committed against a minor, the violation has not been previously reported to a law enforcement agency or prosecuting attorney, and the victim has not reached the age of twenty-eight (28) years of age; or</li> <li>2. Within three years after commission of the offense.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Ark. Code § 5-14-126.</li> <li>2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(2)(A) and Ark. Code § 5-1-109(b)(2).</li> </ol>

### Sexual assault, fourth degree

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class D felony if: (i) offender 20 years of age or older engages in sexual intercourse, deviate sexual activity, or sexual contact with victim under 16 who is not offender's spouse; or (ii) offender is employed with the Department of Correction, Department of Community Correction, Department of Human Services, or any city or county jail and victim is in the custody thereof and not offender's spouse.</p> <p>Otherwise this crime is a Class A misdemeanor if an offender 20 years of age or older engages in sexual contact with a victim under 16 who is not the offender's spouse.</p>

	<ol style="list-style-type: none"> <li>1. A prosecution may be commenced for a violation of this crime at any time if, when the alleged violation occurred, the offense was committed against a minor, the violation has not been previously reported to a law enforcement agency or prosecuting attorney, and the victim has not reached the age of twenty-eight (28) years of age; or</li> <li>2. If a Class D felony, within three years after commission of the offense; or</li> <li>3. For misdemeanors and violations, within one year after commission of the offense.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Ark. Code § 5-14-127.</li> <li>2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(2)(B), § 5-1-109(b)(2) and § 5-1-109(b)(3)(A).</li> </ol>

## Sexual indecency with a child

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class D felony.</p> <ol style="list-style-type: none"> <li>1. A prosecution may be commenced for a violation of this crime at any time.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Ark. Code § 5-14-110.</li> <li>2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(E).</li> </ol>

## Incest

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class C felony.</p> <ol style="list-style-type: none"> <li>1. A prosecution may be commenced for a violation of this crime at any time if the victim was a minor at the time of the offense; or</li> <li>2. Within three years after commission of the offense.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Ark. Code § 5-26-202.</li> <li>2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(H) and § 5-1-109(b)(2).</li> </ol>

## Engaging children in sexually explicit conduct for use in visual or print medium

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class B felony for first offense, and a Class A felony for subsequent offenses.  1. A prosecution may be commenced for a violation of this crime at any time.
Statutory citation(s):	1. Citation for the crime: Ark. Code § 5-27-303. 2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(I).

## Transportation of minors for prohibited sexual conduct

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class A felony.  1. A prosecution may be commenced for a violation of this crime at any time.
Statutory citation(s):	1. Citation for the crime: Ark. Code § 5-27-305. 2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(J).

## Internet stalking of a child

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class B felony if it involves an attempt to arrange a meeting with a child 15 years or younger or whom the offender believes to be 15 years or younger, even if a meeting with the child never takes place.  Otherwise, this crime is a Class Y felony if the offender arranges a meeting with a child 15 years or

	<p>younger and the meeting takes place, even if the offender fails to engage the child in (i) sexual intercourse, (ii) sexually explicit conduct, or (iii) deviate sexual activity.</p> <ol style="list-style-type: none"> <li>1. For Class Y felony, within six years after commission of the offense; or</li> <li>2. For Class B felony, within three years after commission of the offense.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Ark. Code § 5-27-306.</li> <li>2. Citation for the statute of limitations: Ark. Code § 5-1-109(b)(1)(A) and § 5-1-109(b)(2).</li> </ol>

### **Employing or consenting to the use of a child in a sexual performance**

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class C felony for the first offense, and a Class B felony for subsequent offenses.</p> <ol style="list-style-type: none"> <li>1. A prosecution may be commenced for a violation of this crime at any time.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Ark. Code § 5-27-402.</li> <li>2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(K).</li> </ol>

### **Producing, directing or promoting child sexual performance**

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class B felony.</p> <ol style="list-style-type: none"> <li>1. A prosecution may be commenced for a violation of this crime at any time.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Ark. Code § 5-27-403.</li> <li>2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(L).</li> </ol>

### **Knowingly transmitting AIDS, HIV**

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class A felony. 1. Within six years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Ark. Code § 5-14-123. 2. Citation for the statute of limitations: Ark. Code § 5-1-109(b)(1)(A).

### **Computer exploitation of a child in the first degree**

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class B felony for the first offense, but a Class A felony for subsequent offenses. 1. A prosecution for this offense may begin at any time.
Statutory citation(s):	1. Citation for the crime: Ark. Code § 5-27-605(a). 2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(M).

### **Computer exploitation of a child in the second degree**

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class C felony. 1. Within three years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Ark. Code § 5-27-605(b). 2. Citation for the statute of limitations: Ark. Code § 5-1-109(b)(2).

## Sexually grooming a child

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class D felony if the perpetrator is 21 years or older. If, however, the perpetrator is under 21 years old, this crime is a Class A misdemeanor.  1. For a Class D felony, within three years after commission of the offense; or 2. For misdemeanors and violations, within one year after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Ark. Code § 5-27-307. 2. Citation for the statute of limitations: Ark. Code § 5-1-109(b)(2) and (b)(3)(A).

## Are there any exceptions to the statute of limitations law?

Question	Answer
Exceptions	<ul style="list-style-type: none"><li>• Ark. Code § 5-1-109 Statute of limitations:<ul style="list-style-type: none"><li>• (b)(1)(B) For rape (§ 5-14-103), the period of limitation is eliminated if biological evidence of the alleged perpetrator is identified that is capable of producing a deoxyribonucleic acid (DNA) profile.</li><li>• (i) If there is biological evidence connecting a person with the commission of an offense and that person's identity is unknown, the prosecution is commenced if an indictment or information is filed against the unknown person and the indictment contains the genetic information of the unknown person and the genetic information is accepted to be likely to be applicable only to the unknown person.</li><li>• (j) When DNA testing implicates a person previously identified through a search of state or national DNA database, a statute of limitations shall not preclude prosecution.</li></ul></li></ul>

## Anything else I should know?

Question	Answer
----------	--------

Anything else I should know?

- *Marlin Brown v. State of Arkansas*, 454 S.W.3d 226 (Ark. 2015)
  - Marriage does not remove victim's disability as a minor for purposes of the statute of limitations. Offender does not have a vested right in statute of limitations until the bar in the statute has become effective and the legislature may extend the limitations period and apply such extension to any cause of action which was not barred at the time the new statute becomes effective.
- *Young v. Norris*, 226 S.W.3d 797, 799-800 (Ark. 2006)
  - (c)(2) If any time period in (b) has passed, prosecution may be commenced for any offense that is concealed involving felonious conduct in office by a public servant within 5 years after leaving public office or employment within 5 years after the offense is discovered or should reasonably have been discovered, but in no event more than 10 years after the offense.
  - (g)(1) The period of limitation does not run:
    - (A) During any time when the accused is continually absent from the state or has no reasonably ascertainable place of abode or work within the state (cannot extend period by more than three (3) years); or
    - (2) During any period when a prosecution against the accused for the same conduct is pending in this state.
- Ark. Code § 5-1-109:
  - Elimination of the statute of limitations for an offense when DNA can provide the identity of an alleged perpetrator does not violate the Equal Protection Clause of the United States Constitution.