

Criminal Statutes of Limitations California

Last Updated: March 2020

Rape

Question	Answer
What is the statute of limitations for this crime?	<p>Please see "Punishment for rape" below for details on the penalties for this crime.</p> <ol style="list-style-type: none">1. Prosecution for a felony offense, described in paragraph (1), (2), (3), (4), (6) or (7) of subdivision (a) of Section 261 may be commenced at any time, for crimes that were committed on or after January 1, 2017, and for crimes for which the statute of limitations that was in effect prior to January 1, 2017, has not run as of January 1, 2017; or2. Prosecution of crimes that were committed on or after January 1, 2015, or for which the statute of limitations that was in effect prior to January 1, 2015, has not run as of January 1, 2015, and are alleged to have been committed when the victim was under 18 years of age, may be commenced any time prior to the victim's 40th birthday; or3. Prosecution must bring a case against the perpetrator within 6 years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Cal. Penal Code § 261.2. Citation for the statute of limitations: Cal. Penal Code § SB 813, § 801.1(a)(1), § 801.1(a)(2) and § 800.

Unlawful sexual intercourse with a minor

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a misdemeanor if victim is not more than three years older or three years younger than offender; misdemeanor or felony if victim is more than three years younger than offender and punishable by imprisonment in a county jail not exceeding 1 year, or by imprisonment in the state prison for up to 3 years; misdemeanor or felony if offender is at least 21 and victim is under 16 and punishable by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison for 2, 3, or 4 years.</p> <ol style="list-style-type: none">1. Prosecution for an offense punishable by imprisonment in the state prison or pursuant to subdivision (h) of § 1170 [describing trial court's options for sentencing up to 3 years] shall be commenced within three years after commission of the offense.

Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Cal. Penal Code § 261.5. 2. Citation for the statute of limitations: Cal. Penal Code § 801.
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Spousal rape

Question	Answer
What is the statute of limitations for this crime?	<p>Please see “Punishment for rape” below for details on the penalties for this crime.</p> <ol style="list-style-type: none"> 1. Prosecution for a felony offense described in paragraph (1), (2), (3), (4), or (5) of subdivision (a) of Section 262 may be commenced at any time, for crimes that were committed on or after January 1, 2017, and for crimes for which the statute of limitations that was in effect prior to January 1, 2017, has not run as of January 1, 2017; or 2. Prosecution must bring a case against the perpetrator within 6 years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Cal. Penal Code § 262. 2. Citation for the statute of limitations: Cal. Penal Code § SB 813, § 800.

Punishment for rape

Question	Answer
What is the statute of limitations for this crime?	<p>This section outlines the punishments for rape and spousal rape, the length of punishment time being a modifying factor when determining the statute of limitations for each crime. Please see “Rape” and “Spousal Rape” for information regarding each crime’s statute of limitations. The punishment for each crime is as follows:</p> <ol style="list-style-type: none"> 1. Rape, as defined in § 261 and § 262, is punishable by imprisonment in the state prison for three, six, or eight years; 2. Rape involving a child under the age of 14 is punishable by imprisonment in the state prison for 9, 11 or 13 years if the rape was done against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another; and 3. Rape involving a minor over 14 years of age is punishable by imprisonment in the state prison for 7, 9 or 11 years if the rape was done against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another.

Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Cal. Penal Code § 264. 2. Citation for the statute of limitations: please see the crimes of “rape” and “spousal rape” for a statute of limitations citation.
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Rape or penetration of genital or anal openings by foreign object, etc.; acting by force or violence; punishment

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is punishable by imprisonment in the state prison for 5, 7 or 9 years; or if the victim is under 14 years of age, then the crime is punishable by imprisonment for 10, 12 or 14 years; or if the victim is a minor over the age of 14, then 7, 9 or 11 years.</p> <ol style="list-style-type: none"> 1. Prosecution for a felony offense described in Section 264.1 may be commenced at any time for crimes that were committed on or after January 1, 2017, and for crimes for which the statute of limitations that was in effect prior to January 1, 2017, has not run as of January 1, 2017; or 2. Prosecution must bring a case against the perpetrator within 6 years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Cal. Penal Code § 264.1. 2. Citation for the statute of limitations: Cal. Penal Code § SB 813, § 800.

Unlawful sexual intercourse, sexual penetration, oral copulation, or sodomy; consent procured by false or fraudulent representation with intent to create fear; punishment

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is punishable by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison for 2, 3 or 4 years.</p> <ol style="list-style-type: none"> 1. Prosecution must bring a case against the perpetrator within 3 years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Cal. Penal Code § 266c. 2. Citation for the statute of limitations: Cal. Penal Code § 801.

Aggravated sexual assault of child

Question	Answer
What is the statute of limitations for this crime?	This crime is a felony, punishable by imprisonment in the state prison for 15 years to life. 1. Prosecution may be commenced at any time.
Statutory citation(s):	1. Citation for the crime: Cal. Penal Code § 269. 2. Citation for the statute of limitations: Cal. Penal Code § 799(a).

Incest

Question	Answer
What is the statute of limitations for this crime?	This crime is punishable by imprisonment in the state prison. 1. Prosecution must bring a case against the perpetrator within 3 years after commission of the offense
Statutory citation(s):	1. Citation for the crime: Cal. Penal Code § 285. 2. Citation for the statute of limitations: Cal. Penal Code § 801.

Sodomy

Question	Answer
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<p>What is the statute of limitations for this crime?</p>	<p>This crime is punishable by imprisonment in the state prison or in a county jail for not more than 1 year if committed by any person upon a person under the age of 18 and if committed by a person over the age of 21 upon a person under 16 years of age, then such act is a felony; or if the victim is under 14 years old and more than 10 years younger than perpetrator, then 3, 6 or 8 years; or if the act of sodomy is accomplished by means of force, violence, etc., then 3, 6 or 8 years; or if the act of sodomy is accomplished by means of force, violence, etc., then 9, 11 or 13 years; or if the victim is a minor over the age of 14, and the act is by means of force, violence, etc., then 7, 9 or 11 years.</p> <ol style="list-style-type: none"> 1. Prosecution for a felony offense described in Section 286 may be commenced at any time for crimes that were committed on or after January 1, 2017, and for crimes for which the statute of limitations that was in effect prior to January 1, 2017, has not run as of January 1, 2017; or 2. Prosecution for crimes that were committed on or after January 1, 2015, or for which the statute of limitations that was in effect prior to January 1, 2015, has not run as of January 1, 2015, and are alleged to have been committed when the victim was under 18 years of age, may be commenced any time prior to the victim's 40th birthday; or 3. Prosecution of an offense punishable by imprisonment in the state prison must be commenced within 3 years after commission of the offense; or 4. Prosecution must bring a case against the perpetrator within 6 years after commission of the offense, if offense is punishable by imprisonment for 8 years or more.
<p>Statutory citation(s):</p>	<ol style="list-style-type: none"> 1. Citation for the crime: Cal. Penal Code § 286. 2. Citation for the statute of limitations: Cal. Penal Code § SB 813, § 800, § 801 and § 801.1(a).

Lewd or lascivious acts involving children

Question	Answer
<p>What is the statute of limitations for this crime?</p>	<p>If the victim is under 14, then this crime is punishable by imprisonment in the state prison for 3, 6 or 8 years; if committed with use of force, violence, etc., 5, 8 or 10 years; if committed by a caretaker upon a dependent by use of force, violence, etc., 5, 8 or 10 years; if the victim is 14 or 15 years old and the person is at least 10 years older than the victim, punished by imprisonment in the state prison for 1, 2 or 3 years, or by imprisonment in country jail for not more than 1 year; if committed by a caretaker upon a dependent, punished by imprisonment in the state prison for 1, 2 or 3 years, or by imprisonment in a county jail for not more than 1 year.</p> <ol style="list-style-type: none"> 1. Prosecution for a felony offense described in subdivision (a) of Section 288 involving substantial sexual conduct as defined by in subdivision (b) of Section 1203.066, subdivision (b) of Section 288, may be commenced at any time for crimes that were committed on or after January 1, 2017, and for crimes for which the statute of limitations that was in effect prior to January 1, 2017, has not run as of January 1, 2017; or

	<ol style="list-style-type: none"> 2. Prosecution for crimes that were committed on or after January 1, 2015, or for which the statute of limitations that was in effect prior to January 1, 2015, has not run as of January 1, 2015, and is alleged to have been committed when the victim was under 18 years of age, may be commenced any time prior to the victim's 40th birthday; or 3. Prosecution of an offense punishable by imprisonment in the state prison must be commenced within 3 years after commission of the offense; or 4. Prosecution must bring a case against the perpetrator within 6 years after commission of the offense, if the offense is punishable by imprisonment for 8 years or more.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Cal. Penal Code § 288. 2. Citation for the statute of limitations: Cal. Penal Code § SB 813, § 800, § 801 and § 801.1(a).

Oral copulation

Question	Answer
What is the statute of limitations for this crime?	<p>This crime, if the victim is under 18 years of age, is punishable by imprisonment in the state prison or in a county jail for not more than 1 year; if committed by a person over the age of 21 upon a person under 16 years of age, then such act is a felony; if the victim is under 14 and more than 10 years younger than the offender, punishable by imprisonment in the state prison for 3, 6 or 8 years; if committed with use of force, violence, etc., 3, 6 or 8 years; if the victim is under 14 and the act is accomplished by means of force, violence, etc., 8, 10 or 12 years; if the victim is a minor over the age of 14 and the act is accomplished by means of force, violence, etc., 6, 8 or 10 years.</p> <ol style="list-style-type: none"> 1. Prosecution for a felony offense described in paragraph (2) or (3) of subdivision (c) of, or subdivision (d), (f), (g), (i), or (k) of, Section 288a may be commenced at any time for crimes that were committed on or after January 1, 2017, and for crimes for which the statute of limitations that was in effect prior to January 1, 2017, has not run as of January 1, 2017; 2. Prosecution for crimes that were committed on or after January 1, 2015, or for which the statute of limitations that was in effect prior to January 1, 2015, has not run as of January 1, 2015, and is alleged to have been committed when the victim was under 18 years of age, may be commenced any time prior to the victim's 40th birthday; 3. Prosecution of an offense punishable by imprisonment in the state prison must be commenced within 3 years after commission of the offense; or 4. Prosecution must bring a case against the perpetrator within 6 years after commission of the offense, if offense punishable by imprisonment for 8 years or more.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Cal. Penal Code § 288a. 2. Citation for the statute of limitations: Cal. Penal Code § SB 813, § 800, §801 and § 801.1(a).

Harmful matter sent with intent of seduction of minor

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a misdemeanor punishable by imprisonment in state prison or county jail for one year or a felony punished by imprisonment in state prison for 2, 4 or 5 years; if the matter sent does not include depictions of minors engaged in sexual conduct, punishment by imprisonment in state prison for 16 months, 2 or 3 years.</p> <p>1. Prosecution for an offense punishable by imprisonment in the state prison or pursuant to subdivision (h) of § 1170 shall be commenced within three years after commission of the offense.</p>
Statutory citation(s):	<p>1. Citation for the crime: Cal. Penal Code § 288.2. 2. Citation for the statute of limitations: Cal. Penal Code § 801.</p>

Contact of minor with intent to commit sexual offense

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is punishable by imprisonment in state prison for the length of time prescribed by the sexual offense statute that the perpetrator intended and attempted to commit.</p> <p>1. The statute of limitations for this crime is analogous with the crime the perpetrator attempted to commit; unless the perpetrator has been found guilty of this crime before, in which case he or she shall be punished for five years imprisonment in addition to the number of years required for the crime he or she attempted to commit. If these additional five years result in a sentence longer than eight years, then prosecution shall be commenced within six years after commission of the offense. If the additional five years results in a sentence less than eight years long, then prosecution shall be commenced within three years after commission of the offense.</p>
Statutory citation(s):	<p>1. Citation for the crime: Cal. Penal Code § 288.3. 2. Citation for the statute of limitations: Cal. Penal Code § 800 and §801.</p>

Continuous sexual abuse of child

Question	Answer
What is the statute of limitations for this crime?	<p>This crime (which requires three or more acts within a three month period of substantial sexual conduct with a child under 14) is punishable by imprisonment in the state prison for 6, 12 or 16 years.</p> <ol style="list-style-type: none">1. Prosecution for a felony offense described in Section 288.5 may be commenced at any time, for crimes that were committed on or after January 1, 2017, and for crimes for which the statute of limitations that was in effect prior to January 1, 2017, has not run as of January 1, 2017;2. Prosecution for crimes that were committed on or after January 1, 2015, or for which the statute of limitations that was in effect prior to January 1, 2015, has not run as of January 1, 2015, and is alleged to have been committed when the victim was under 18 years of age, may be commenced any time prior to the victim's 40th birthday.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Cal. Penal Code § 288.5.2. Citation for the statute of limitations: Cal. Penal Code § SB 813 and § 801.1(a).

Sexual acts with child 10 or younger

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a felony, and punishable by imprisonment in the state prison for 15 or 25 years to life.</p> <ol style="list-style-type: none">1. Prosecution for an offense punishable by death or by imprisonment in the state prison for life may be prosecuted at any time.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Cal. Penal Code § 288.7.2. Citation for the statute of limitations: Cal. Penal Code § 799.

Forcible acts of sexual penetration

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is punishable by imprisonment in the state prison for 3, 6 or 8 years; if the victim is under 14 years of age, 8, 10 or 12 years; or if the victim is a minor over the age of 14, then 6, 8 or 10 years.</p> <ol style="list-style-type: none">1. Prosecution for a felony offense described in subdivision (a), (b), (d), (e), or (g) of Section 289 may be commenced at any time, for crimes that were committed on or after January 1, 2017, and for crimes for which the statute of limitations that was in effect prior to January 1, 2017, has not run as of January 1, 2017;2. Prosecution for crimes that were committed on or after January 1, 2015, or for which the statute of limitations that was in effect prior to January 1, 2015, has not run as of January 1, 2015, and is alleged to have been committed when the victim was under 18 years of age, may be commenced any time prior to the victim's 40th birthday; or3. Prosecution must bring a case against the perpetrator within 6 years after commission of the offense, if offense punishable by imprisonment for 8 years or more.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Cal. Penal Code § 289.2. Citation for the statute of limitations: Cal. Penal Code § SB 813, § 800 and § 801.1(a).

Intentionally transports a child under 16 years for the purpose of lewd or lascivious act

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a felony punishable by imprisonment in state prison for 3, 6, or 8 years.</p> <ol style="list-style-type: none">1. Prosecution for an offense punishable by imprisonment for eight years or more shall be commenced within six years after commission of the offense; or2. Prosecution for an offense punishable by imprisonment in the state prison shall be commenced within three years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Cal. Penal Code § 266j.2. Citation for the statute of limitations: Cal. Penal Code § 800 and § 801.

Arranging a meeting with a minor for the purpose of exposing his or her genitals or having

the child expose his or her genitals, or engage in lewd and lascivious behavior

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is punishable by imprisonment not to exceed one year, unless perpetrator goes to the meeting place, in which case this crime is punishable by imprisonment for 2, 3, or 4 years.</p> <p>1. Prosecution for an offense punishable by imprisonment in the state prison shall be commenced within three years after commission of the offense.</p>
Statutory citation(s):	<p>1. Citation for the crime: Cal. Penal Code § 288.4. 2. Citation for the statute of limitations: Cal. Penal Code § 801.</p>

Are there any exceptions to the statute of limitations laws?

Question	Answer
Are there any exceptions to the statute of limitations laws?	<ul style="list-style-type: none"> • Cal. Penal Code § 803 (g) <ul style="list-style-type: none"> • Notwithstanding the limitations described in section 799-801.1 of the Cal. Penal Code, criminal complaints for the following offenses may be filed within one year after the identity of the suspect is conclusively established by DNA testing: <ul style="list-style-type: none"> • Rape (§ 261) • Spousal rape (§ 262) • Rape or penetration of genital or anal openings by foreign object (§ 264.1) • Unlawful sexual intercourse (§ 266c) • Aggravated sexual assault of child (§ 269) • Incest (§ 285) • Sodomy (§ 286) • Lewd or lascivious acts involving children (§ 288) • Continuous sexual abuse of child (§ 288.5) • Oral copulation (§ 288a) • Sexual acts with child 10 or younger (§ 288.7) • Forcible acts of sexual penetration (§ 289) • This DNA exemption is available if, for offenses committed prior to January 1, 2001, the biological evidence has been analyzed for DNA type no later than January 1, 2004, and for offenses committed on or after January 1, 2001, the biological evidence is analyzed for DNA type within two years after

commission of the offense.

Anything else I should know?

Question	Answer
Anything else I should know?	<ul style="list-style-type: none">• Cal. Penal Code § 803.6 (a)<ul style="list-style-type: none">• If more than one time period applies, the time period that is longer applies.• § 803.6 (b) Any change in the statute of limitations period applies to any crime if prosecution for the crime was not barred on the effective date of the change by the statute of limitations in effect immediately prior to the effective date of the change.• Cal. Penal Code § 805: For the purpose of determining the applicable limitation of time:<ul style="list-style-type: none">• (a) An offense is deemed punishable by the maximum punishment prescribed by statute for the offense, regardless of the punishment actually sought or imposed (disregarding any enhancement).• (b) The limitation of time applicable to an offense that is necessarily included within a greater offense is the limitation of time applicable to the lesser included offense, regardless of the limitation of time applicable to the greater offense.• <i>People v. Vasquez</i>, 13 Cal. Rptr.3d 162, 164-165 (Cal. Dist. Ct. App. 2004)<ul style="list-style-type: none">• Ex post facto clause does not prevent the State from extending statute of limitations for prosecutions not yet time barred when statute was enacted. Section 803(f) merely extends limitations period and does not revive prosecution for previously time barred offenses.• <i>People v. Stanfill</i>, 76 Cal. App. 4th 1137, 1150 (Cal. Dist. Ct. App. 2004)<ul style="list-style-type: none">• Defendant may not challenge on appeal conviction of a time barred lesser included offense when the charged offense was not time barred and the defendant requested or acquiesced to the giving instructions on the lesser offense.