

# Criminal Statutes of Limitations Hawaii

*Last Updated: March 2020*

## Sexual assault, first degree

| Question   | Answer   |
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| What is the statute of limitations for this crime? | Sexual assault in the first degree is a class A felony.<br><br>1. There is no limitations period for this crime.                 |
| Statutory citation(s):                             | 1. Citation for the crime: Haw. Rev. Stat. § 707-730<br>2. Citation for the statute of limitations: Haw. Rev. Stat. § 701-108(1) |

## Sexual assault, second degree

| Question   | Answer   |
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| What is the statute of limitations for this crime? | Sexual assault in the second degree is a class B felony.<br><br>1. There is no limitations period for this crime.                |
| Statutory citation(s):                             | 1. Citation for the crime: Haw. Rev. Stat. § 707-731<br>2. Citation for the statute of limitations: Haw. Rev. Stat. § 701-108(1) |

## Sexual assault, third degree

| Question | Answer |
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| What is the statute of limitations for this crime? | <p>Sexual assault in the third degree is a class C felony.</p> <ol style="list-style-type: none"> <li>1. A case must be brought against the offender within three (3) years after the offense is committed, except where the victim was alive and under eighteen (18) years of age, in which case the three (3) year statute of limitation does not begin to run until the victim turns eighteen (18) years of age.</li> </ol> |
| Statutory citation(s):                             | <ol style="list-style-type: none"> <li>1. Citation for the crime: Haw. Rev. Stat. § 707-732</li> <li>2. Citation for the statute of limitations: Haw. Rev. Stat. § 701-108(2)(d); 108(6)(c)</li> </ol>   |

## Sexual assault, fourth degree

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| Question   | Answer   |
| What is the statute of limitations for this crime? | <p>Sexual assault in the fourth degree is a misdemeanor.</p> <ol style="list-style-type: none"> <li>1. A prosecution must be commenced within two (2) years after the offense is committed.</li> </ol> |
| Statutory citation(s):                             | <ol style="list-style-type: none"> <li>1. Citation for the crime: Haw. Rev. Stat. § 707-733</li> <li>2. Citation for the statute of limitations: Haw. Rev. Stat. § 701-108(2)(e)</li> </ol>            |

## Continuous sexual assault of a minor under the age of 14 years

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| Question   | Answer  |
| What is the statute of limitations for this crime? | <p>Continuous sexual assault of a minor under the age of fourteen (14) years is a class A felony.</p> <ol style="list-style-type: none"> <li>1. There is no limitations period for this crime.</li> </ol> |
| Statutory citation(s):                             | <ol style="list-style-type: none"> <li>1. Citation for the crime: Haw. Rev. Stat. § 707-733.6</li> <li>2. Citation for the statute of limitations: Haw. Rev. Stat. § 701-108(1)</li> </ol>                |

## Indecent exposure

| Question   | Answer  |
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| What is the statute of limitations for this crime? | Indecent exposure is a petty misdemeanor.<br><br>1. A prosecution must be commenced within one (1) year after the offense is committed. |
| Statutory citation(s):                             | 1. Citation for the crime: Haw. Rev. Stat. § 707-734<br>2. Citation for the statute of limitations: Haw. Rev. Stat. § 701-108(2)(f)     |

## Incest

| Question   | Answer  |
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| What is the statute of limitations for this crime? | Incest is a class C felony.<br><br>1. A prosecution must be commenced within three (3) years after the offense is committed, except where the victim was alive and under eighteen (18) years of age when the offense was committed, in which case the three (3) year statute of limitation does not begin to run until the victim turns eighteen (18) years of age. |
| Statutory citation(s):                             | 1. Citation for the crime: Haw. Rev. Stat. § 707-741<br>2. Citation for the statute of limitations: Haw. Rev. Stat. § 701-108(2)(d); 108(6)(c)  |

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

| Question   | Answer   |
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| Exceptions | <ul style="list-style-type: none"><li>• If the statute of limitations set forth above has run, a prosecution may nevertheless be commenced for:<ul style="list-style-type: none"><li>• Any felony offense involving evidence containing DNA from the offender, if a test confirming the presence of DNA is performed prior to expiration of the period of limitation, but in no case shall this provision extend the period of limitation by more than ten (10) years from the expiration of the period of limitation. Haw. Rev. Stat. § 701-108(3)(c).</li><li>• Any offense based on misconduct in office by a public officer or employee at any time when the defendant</li></ul></li></ul> |

is in public office or employment or within two (2) years thereafter, but in no case shall this provision extend the statute of limitations period by more than three (3) years from the expiration of the period of limitation. Haw. Rev. Stat. § 701-108(3)(b).

## Anything else I should know?

| Question                     | Answer  |
|------------------------------|---|
| Anything else I should know? | <ul style="list-style-type: none"><li>• The period of limitation does not run:<ul style="list-style-type: none"><li>• During any time when the accused is continuously absent from the state of Hawaii or has no reasonably ascertainable place of abode or work within the state, but in no case shall the limitations period be extended by more than four (4) years from the expiration of the prescribed limitation period. Haw. Rev. Stat. § 701-108(6)(a).</li><li>• During any time when a prosecution against the accused for the same conduct is pending in the state of Hawaii. Haw. Rev. Stat. § 701-108(6)(b).</li><li>• For a felony offense under Haw. Rev. Stat. chapter 707, part V or VI, during any time when the victim is alive and under eighteen years of age. Haw. Rev. Stat. § 701-108(6)(c).</li></ul></li><li>• An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed. Haw. Rev. Stat. § 701-108(4).</li><li>• A prosecution is deemed commenced either when an indictment is found or a complaint filed, or when an arrest warrant or other process is issued, provided that such warrant or process is executed without unreasonable delay. Haw. Rev. Stat. § 701-108(5).</li></ul> |