

Criminal Statutes of Limitations Idaho

Last Updated: March 2020

Rape (definition)

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. For rape as defined in Idaho Code § 18-6101(1)-(2), prosecution must be commenced by the filing of the complaint or the finding of an indictment within five (5) years after the commission of the offense.2. For rape as defined in Idaho Code § 18-6101(3)-(10), there is no limitations period.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Idaho Code § 18-6101.2. Citation for the statute of limitations: Idaho Code §§ 19-401; 19-402.

Male rape (definition)

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. This crime was repealed as of July 1, 2016.
Statutory citation(s):	<ol style="list-style-type: none">1. This crime was repealed as of July 1, 2016.

Rape (definition)

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. This crime was repealed as of July 1, 2016.
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Sexual exploitation by a medical care provider

Question	Answer
What is the statute of limitations for this crime?	Sexual exploitation by a medical care provider is a misdemeanor punishable by a fine of up to one thousand dollars (\$1,000) and/or by imprisonment for up to one (1) year. 1. A prosecution must be commenced by the filing of the complaint or the finding of an indictment within two (2) years after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Idaho Code § 18-919. 2. Citation for the statute of limitations: Idaho Code § 19-406.

Sexual abuse and exploitation of a vulnerable adult

Question	Answer
What is the statute of limitations for this crime?	Note: "Vulnerable adult" means a person eighteen (18) years of age or older who is unable to protect himself or herself from abuse, neglect or exploitation due to physical or mental impairment which affects the person's judgment or behavior to the extent that he or she lacks sufficient understanding or capacity to make or communicate or implement decisions regarding his or her person, funds, property or resources. Sexual abuse of a vulnerable adult is a felony punishable by a fine of up to twenty-five thousand dollars (\$25,000) and/or imprisonment for up to twenty-five (25) years. Sexual exploitation of a vulnerable adult is a felony punishable by a fine of up to twenty-five thousand dollars (\$25,000) and/or imprisonment for up to fifteen (15) years. 1. A prosecution must be commenced by the filing of the complaint or the finding of an indictment within five (5) years after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Idaho Code § 18-1505B. 2. Citation for the statute of limitations: Idaho Code § 19-402.

Sexual abuse of a child under the age of sixteen (16) years

Question	Answer
What is the statute of limitations for this crime?	Sexual abuse of a child under the age of sixteen (16) years by a person aged eighteen (18) years or older is a felony punishable by imprisonment for up to twenty-five (25) years. 1. There is no limitations period for this crime.
Statutory citation(s):	1. Citation for the crime: Idaho Code § 18-1506(5). 2. Citation for the statute of limitations: Idaho Code § 19-401(4).

Ritualized abuse of a child (i.e., a person under the age of 18)

Question	Answer
What is the statute of limitations for this crime?	1. Citation for the crime: Idaho Code § 18-1506A. 2. Citation for the statute of limitations: Idaho Code § 19-402.
What is the statute of limitations for this crime?	Ritualized abuse of a child is a felony punishable by imprisonment for up to a term of life. 1. A prosecution must be commenced within three (3) years after the date of initial disclosure of the offense by the victim to law enforcement.

Incest

Question	Answer
What is the statute of limitations for this crime?	Incest is a felony punishable by imprisonment for a term of up to life. 1. A prosecution must be commenced by the filing of the complaint or the finding of an indictment within five (5) years after the commission of the offense.

Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Idaho Code § 18-6602; 18-111. 2. Citation for the statute of limitations: Idaho Code § 19-402.
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Female Genital Mutilation of a child (i.e., a person under the age of 18)

Question	Answer
What is the statute of limitations for this crime?	<p>Female Genital mutilation of a child is a felony punishable by imprisonment for up to a term of life.</p> <ol style="list-style-type: none"> 1. A prosecution must be commenced within three (3) years after the date of initial disclosure of the offense by the victim to law enforcement.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Idaho Code § 18-1506B. 2. Citation for the statute of limitations: Idaho Code § 19-402.

Sexual exploitation of a child

Question	Answer
What is the statute of limitations for this crime?	<p>Depending on the facts, sexual exploitation of a child is either a felony or a misdemeanor.</p> <ol style="list-style-type: none"> 1. If a felony, a prosecution must be commenced by the filing of the complaint or the finding of an indictment within five (5) years after the commission of the offense. 2. If a misdemeanor, a prosecution must be commenced by the filing of the complaint or the finding of an indictment within one (1) year after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Idaho Code §§ 18-1507, 18-1507A (Sexual Exploitation of a Child by Electronic Means). 2. Citation for the statute of limitations: Idaho Code §§ 19-402, 19-403.

Possession of sexually exploitative material for other than a commercial purpose

Question	Answer
What is the statute of limitations for this crime?	This crime was repealed effective as of July 1, 2012.
Statutory citation(s):	This crime was repealed as of July 1, 2012.

Lewd conduct with a minor child under sixteen (16)

Question	Answer
What is the statute of limitations for this crime?	Lewd conduct with a minor child under the age of sixteen (16) is a felony punishable by imprisonment for up to a term of life. 1. There is no limitations period for this crime.
Statutory citation(s):	1. Citation for the crime: Idaho Code § 18-1508. 2. Citation for the statute of limitations: Idaho Code § 19-401.

Sexual battery of a minor child 16 or 17 years of age

Question	Answer
What is the statute of limitations for this crime?	Sexual battery of a minor child who is sixteen (16) or seventeen (17) years of age is a felony. 1. A prosecution must be commenced by the filing of the complaint or the finding of an indictment within five (5) years after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Idaho Code § 18-1508A. 2. Citation for the statute of limitations: Idaho Code § 19-402.

Enticing of children (i.e., a minor under the age of 16) using internet or other communication

device

Question	Answer
What is the statute of limitations for this crime?	Enticing of children through use of the internet or other communications device is a felony punishable by imprisonment for a period of up to fifteen (15) years. 1. A prosecution must be commenced by the filing of the complaint or the finding of an indictment within five (5) years after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Idaho Code § 18-1509A. 2. Citation for the statute of limitations: Idaho Code § 19-402.

Enticing of children (i.e., a minor under the age of sixteen (16))

Question	Answer
What is the statute of limitations for this crime?	Enticing of children is a misdemeanor for a first offense punishable by imprisonment for up to six (6) months and/or a fine up to one thousand dollars (\$1,000); and is a felony for second and subsequent offenses, punishable by imprisonment for up to five (5) years. 1. For a misdemeanor, a prosecution must be commenced by the filing of the complaint or the finding of an indictment within one (1) year of the commission of the offense. 2. For a felony, a prosecution must be commenced by the filing of the complaint or the finding of an indictment within five (5) years of the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Idaho Code § 18-1509. 2. Citation for the statute of limitations: Idaho Code §§ 19-402, 19-403.

Disseminating material harmful to minors

Question	Answer
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What is the statute of limitations for this crime?	Disseminating material harmful to minors is a misdemeanor punishable by imprisonment for up to one (1) year and/or by a fine of up to one thousand dollars (\$1,000), or by both such fine and jail sentence. 1. A case must be brought against offender within one (1) year after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Idaho Code § 18-1515. 2. Citation for the statute of limitations: Idaho Code § 19-403.

Sexual contact with a prisoner or juvenile offender

Question	Answer
What is the statute of limitations for this crime?	Sexual contact with a prisoner is a felony punishable by imprisonment for a term of up to life. 1. A prosecution must be commenced by the filing of the complaint or the finding of an indictment within five (5) years after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Idaho Code § 18-6110. 2. Citation for the statute of limitations: Idaho Code § 19-402.

Forcible sexual penetration by use of foreign object

Question	Answer
What is the statute of limitations for this crime?	Forcible sexual penetration by use of a foreign object is a felony punishable by imprisonment for a term of up to life. 1. Prosecution must be commenced by the filing of the complaint or the finding of an indictment within five (5) years after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Idaho Code § 18-6608. 2. Citation for the statute of limitations: Idaho Code § 19-402.

Crime of video voyeurism

Question	Answer
What is the statute of limitations for this crime?	Video voyeurism is a felony. 1. Prosecution must be commenced by the filing of the complaint or the finding of an indictment within five (5) years after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Idaho Code § 18-6609. 2. Citation for the statute of limitations: Idaho Code § 19-402.

Transfer of bodily fluid which may contain the HIV virus

Question	Answer
What is the statute of limitations for this crime?	Transfer of bodily fluid which may contain the HIV virus is a felony punishable by imprisonment in the state prison for a period of up to fifteen (15) years and/or a fine of up to five thousand dollars (\$5,000). 1. Prosecution must be commenced by the filing of the complaint or the finding of an indictment within five (5) years after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Idaho Code § 39-608. 2. Citation for the statute of limitations: Idaho Code § 19-402.

Anything else I should know?

Question	Answer
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- An indictment is deemed found when it is presented by the grand jury in open court and there received and filed. Idaho Code §19-405.

Are there any exceptions to the statute of limitations laws?

Question	Answer
Exceptions	<ul style="list-style-type: none">• If the defendant is out of the state of Idaho when the offense is committed, the indictment may be found within the limitations period after his or her coming within the state, and no time during which the defendant is not an inhabitant of, or usually resident within, the state of Idaho is considered included in the limitations period. Idaho Code § 19-404.