

Criminal Statutes of Limitations

Iowa

Last Updated: April 2023

Sexual abuse, first degree

Question	Answer
What is the statute of limitations for this crime?	<p>Sexual abuse in the first degree is a Class "A" felony.</p> <ol style="list-style-type: none">1. If the victim is under the age of 18, an information or indictment may be commenced at any time after the commission of the offense.2. If the victim is 18 years of age or older, an information or indictment must be commenced by the later of either: (a) within ten years after the commission of the crime; or (b) if the offender is identified through the use of a DNA profile, within three years from the date the offender is identified by his or her DNA.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Iowa Code § 709.2.2. Citation for the statute of limitations: Iowa Code § 802.2.

Sexual abuse, second degree

Question	Answer
What is the statute of limitations for this crime?	<p>Sexual abuse in the second degree is a Class "B" felony.</p> <ol style="list-style-type: none">1. If the victim is under the age of 18, an information or indictment may be commenced at any time after the commission of the offense.2. If the victim is 18 years of age or older, an information or indictment must be commenced by the later of

	either: (a) within ten years after the commission of the crime; or (b) if the offender is identified through the use of a DNA profile, within three years from the date the offender is identified by his or her DNA.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Iowa Code § 709.3. 2. Citation for the statute of limitations: Iowa Code § 802.2.

Sexual abuse, third degree

Question	Answer
What is the statute of limitations for this crime?	<p>Sexual abuse in the third degree is a Class "C" felony.</p> <ol style="list-style-type: none"> 1. If the victim is under the age of 18, an information or indictment may be commenced at any time after the commission of the offense. 2. If the victim is 18 years of age or older, an information or indictment must be commenced by the later of either: (a) within ten years after the commission of the crime; or (b) if the offender is identified through the use of a DNA profile, within three years from the date the offender is identified by his or her DNA.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Iowa Code § 709.4. 2. Citation for the statute of limitations: Iowa Code § 802.2.

Continuous sexual abuse of a child

Question	Answer
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What is the statute of limitations for this crime?	<p>Continuous sexual abuse of a child is a class “B” felony.</p> <ol style="list-style-type: none"> 1. An information or indictment may be commenced be brought at any time after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Iowa Code § 709.23. 2. Citation for the statute of limitations: Iowa Code § 802.2.

Enticing a minor

Question	Answer
What is the statute of limitations for this crime?	<p>Enticing a minor is a Class “C” or “D” felony, or an aggravating misdemeanor, depending upon the circumstances.</p> <ul style="list-style-type: none"> • Class “C” felony when, without authority and with the intent to commit sexual abuse or sexual exploitation upon a minor under the age of thirteen, a person entices or attempts to entice a person reasonably believed to be under the age of thirteen. • Class “D” felony when, without authority and with the intent to commit an illegal sex act upon or sexual exploitation of a minor under the age of 16, a person entices or attempts to entice a person reasonably believed to be under the age of 16. • Class “D” felony when, without authority and with the intent to commit an illegal act upon a minor under the age of 16, if a person entices a person reasonably believed to be under the age of 16. • Aggravated misdemeanor when, without authority and with the intent to commit an illegal act upon a minor under the age of 16, a person attempts to entice a person reasonably believed to be under the age of 16. <p>The statute of limitations is as follows:</p> <ol style="list-style-type: none"> 1. Prosecution must commence against the offender within

	three years after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Iowa Code § 710.10. 2. Citation for the statute of limitations: Iowa Code § 802.3.

Lascivious acts with a child

Question	Answer
What is the statute of limitations for this crime?	<p>A lascivious act with a child is a Class “C” or “D” felony, depending upon the circumstances.</p> <ol style="list-style-type: none"> 1. An information or indictment may be commenced at any time after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Iowa Code § 709.8. 2. Citation for the statute of limitations: Iowa Code § 802.2B.

Assault with intent to commit sexual abuse

Question	Answer
What is the statute of limitations for this crime?	<p>Assault with intent to commit sexual abuse is a:</p> <ul style="list-style-type: none"> • Class “C” felony if the person who commits the assault with the intent to commit sexual abuse thereby causes serious injury to any person; or • Class “D” felony if the person who commits the assault with the intent to commit sexual abuse thereby causes any person a bodily injury other than a serious injury; or • An aggravated misdemeanor if no injury results.

	<p>The statute of limitations is as follows:</p> <ol style="list-style-type: none"> 1. If the victim was under 18 years of age at the time of the commission of the offense, an information or indictment may be commenced at any time after the commission of the offense. 2. If the victim was not under the age of 18 at the time of the commission of the offense, an indictment or information must be found within three years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Iowa Code § 709.11. 2. Citation for the statute of limitations: Iowa Code §§ 802.2B, 802.3.

Indecent contact with a child

Question	Answer
What is the statute of limitations for this crime?	<p>Indecent contact with a child is an aggravated misdemeanor.</p> <ol style="list-style-type: none"> 1. An information or indictment may be commenced at any time after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Iowa Code § 709.12. 2. Citation for the statute of limitations: Iowa Code § 802.2B.

Lascivious conduct with a minor

Question	Answer
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What is the statute of limitations for this crime?	<p>Lascivious conduct with a minor is a serious misdemeanor.</p> <ol style="list-style-type: none"> 1. An information or indictment may be commenced at any time after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Iowa Code § 709.14. 2. Citation for the statute of limitations: Iowa Code § 802.2B.

Sexual exploitation by a counselor, therapist, or school employee

Question	Answer
What is the statute of limitations for this crime?	<p>The classification for this crime depends upon the following:</p> <ul style="list-style-type: none"> • Class “D” felony if there is: (1) a pattern or scheme of sexual conduct by a counselor or therapist (i) with an emotionally dependent patient or client or emotionally dependent former patient or client for the purpose of arousing or satisfying the sexual desires of the counselor or therapist or the emotionally dependent patient or client or emotionally dependent former patient or client or (ii) with a patient or client or former patient or client within one year of the termination of the provision of mental health services by the counselor or therapist for the purpose of arousing or satisfying the sexual desires of the counselor or therapist or the patient or client or former patient or client, in either case including kissing and touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals, or a sex act, (2) a pattern or scheme of sexual conduct by a school employee with a student for the purpose of arousing or satisfying the sexual desires of the school employee or the student, including kissing, touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals, or a sex act, or (3) a pattern or scheme of sexual conduct by an adult providing training or

instruction with a minor for the purpose of arousing or satisfying the sexual desires of the adult providing training or instruction or the minor, including kissing, touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals, or a sex act.

- Aggravated misdemeanor if there is: (1) any sexual conduct by a counselor or therapist with an emotionally dependent patient or client or emotionally dependent former patient or client for the purpose of arousing or satisfying the sexual desires of the counselor or therapist or the emotionally dependent patient or client or emotionally dependent former patient or client, including kissing and touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals, or a sex act; (2) any sexual conduct by a school employee with a student for the purpose of arousing or satisfying the sexual desires of the school employee or the student, including kissing, touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals, or a sex act; or (3) any sexual conduct by an adult providing training or instruction with a minor for the purpose of arousing or satisfying the sexual desires of the an adult providing training or instruction or the minor, including kissing, touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals, or a sex act.
- Serious misdemeanor if there is any sexual conduct by a counselor or therapist with a patient or client or former patient or client within one year of the termination of the provision of mental health services by the counselor or therapist for the purpose of arousing or satisfying the sexual desires of the counselor or therapist or the emotionally dependent patient or client or emotionally dependent former patient or client, including kissing and touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals, or a sex act.

The statute of limitations for this crime depends upon the age of the victim at the time of the commission of the offense.

1. If the victim is under age 18, an information or

	<p>indictment may be commenced at any time after the commission of the offense.</p> <p>2. If the victim is age 18 or older, an indictment or information must be found within three years after commission of the offense.</p>
Statutory citation(s):	<p>1. Citation for the crime: Iowa Code § 709.15.</p> <p>2. Citation for the statute of limitations: Iowa Code §§ 802.2A, 802.3.</p>

Sexual misconduct with offenders and juveniles

Question	Answer
What is the statute of limitations for this crime?	<p>Sexual misconduct with offenders and juveniles is an aggravated misdemeanor.</p> <p>1. If the victim is under the age of 18 and placed in a juvenile placement facility, an information or indictment may be commenced at any time after the commission of the offense.</p> <p>2. In all other cases, an indictment or information must be found within three years after commission of the offense.</p>
Statutory citation(s):	<p>1. Citation for the crime: Iowa Code § 709.16.</p> <p>2. Citation for the statute of limitations: Iowa Code §§ 802.2B; 802.3.</p>

Incest

Question	Answer
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What is the statute of limitations for this crime?	<p>Incest is a Class “D” felony.</p> <ol style="list-style-type: none"> 1. If the victim is under the age of 18, an information or indictment may be commenced at any time after the commission of the offense. 2. If the victim is aged 18 or older, an indictment or information must be found within three years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Iowa Code § 726.2. 2. Citation for the statute of limitations: Iowa Code §§ 802.2A; 802.3.

Sexual exploitation of a minor

Question	Answer
What is the statute of limitations for this crime?	<p>Sexual exploitation of a minor is a Class “B”, “C” or “D” felony, depending upon the circumstances.</p> <ol style="list-style-type: none"> 1. An information or indictment may be commenced at any time after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Iowa Code § 728.12. 2. Citation for the statute of limitations: Iowa Code § 802.2B.

Criminal transmission of HIV

Question	Answer
What is the statute of limitations for this crime?	This statute was repealed.
Statutory citation(s):	This statute was repealed.

Contagious or Infectious Disease Transmission Act

Question	Answer
What is the statute of limitations for this crime?	<p data-bbox="926 394 1818 467">This offense is a class “B” or “D” felony or serious misdemeanor, depending upon the circumstances.</p> <ul data-bbox="989 488 1808 1513" style="list-style-type: none"><li data-bbox="989 488 1808 760">• A person commits a Class “B” felony when the person knows the person is infected with a contagious or infectious disease and exposes an uninfected person to the contagious or infectious disease with the intent that the uninfected person contract the contagious or infectious disease, and the conduct results in the uninfected person becoming infected with the contagious or infectious disease.<li data-bbox="989 764 1808 1036">• A person commits a Class “D” felony when the person knows the person is infected with a contagious or infectious disease and exposes an uninfected person to the contagious or infectious disease with the intent that the uninfected person contract the contagious or infectious disease, but the conduct does not result in the uninfected person becoming infected with the contagious or infectious disease.<li data-bbox="989 1040 1808 1312">• A person commits a Class “D” felony when the person knows the person is infected with a contagious or infectious disease and exposes an uninfected person to the contagious or infectious disease acting with a reckless disregard as to whether the uninfected person contracts the contagious or infectious disease, and the conduct results in the uninfected person becoming infected with the contagious or infectious disease.<li data-bbox="989 1317 1808 1513">• A person commits a serious misdemeanor when the person knows the person is infected with a contagious or infectious disease and exposes an uninfected person to the contagious or infectious disease acting with a reckless disregard as to whether the uninfected person contracts the contagious or infectious disease, but the

	<p>conduct does not result in the uninfected person becoming infected with the contagious or infectious disease.</p> <p>The statute of limitations is as follows:</p> <ol style="list-style-type: none"> 1. An indictment or information must be found within three years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Iowa Code § 709D.3. 2. Citation for the statute of limitations: Iowa Code § 802.3.

Indecent exposure - masturbation

Question	Answer
<p>What is the statute of limitations for this crime?</p>	<p>Indecent exposure is a serious or aggravated misdemeanor depending upon the circumstances.</p> <ul style="list-style-type: none"> • Serious misdemeanor if a person exposes the person's genitals or pubic area to another not the person's spouse, or who commits a sex act in the presence of or view of a third person and if all of the following apply: (a) the person does so to arouse or satisfy the sexual desires of either party; and (b) the person knows or reasonably should know that the act is offensive to the viewer. • Serious misdemeanor if a person masturbates in public in the presence of another, not a child. • Aggravated misdemeanor if a person masturbates in public in the presence of a child. <p>The statute of limitations is as follows:</p> <ol style="list-style-type: none"> 1. An indictment or information must be found within three years after commission of the offense.

Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Iowa Code § 709.9. 2. Citation for the statute of limitations: Iowa Code § 802.3.
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Invasion of privacy--nudity

Question	Answer
What is the statute of limitations for this crime?	<p>Invasion of privacy-nudity is an aggravated misdemeanor.</p> <ol style="list-style-type: none"> 1. An indictment or information must be found within three years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Iowa Code § 709.21. 2. Citation for the statute of limitations: Iowa Code § 802.3.

Are there any exceptions to the statute of limitations laws?

Question	Answer
Exceptions	<ul style="list-style-type: none"> • An indictment or information may be found containing only the DNA profile of the person sought. When an indictment or information is found containing only a DNA profile, the limitation of an action under Iowa Code § 802.3 is tolled. However, an indictment or information must be found against a person within three years from the date the person is identified by the person's DNA profile. Iowa Code § 802.10. • If a defect, error, or irregularity is discovered in any indictment or information which, on motion of either party, causes same to be dismissed or the prosecution to be set aside or reversed on appeal, a new indictment or information may be found within thirty days after such action notwithstanding the time limitations enumerated in this chapter. Iowa Code § 802.9. • If the periods prescribed in Iowa Code §§ 802.3 and 802.4 have expired, prosecution may nevertheless be commenced for any offense a material element of

which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has legal duty to represent an aggrieved party and who is not a party to the offense, but in no case shall this provision extend the period of limitation otherwise applicable by more than five years. Iowa Code § 802.5.

Anything else I should know?

Question	Answer
Anything else I should know?	<ul style="list-style-type: none">• Periods excluded from limitation:<ul style="list-style-type: none">• When a person leaves the state, the indictment or information may be found within the limitation periods set forth above after the person's coming into the state, and no period during which the party charged was not publicly resident within the state is a part of the limitation.• The time within which an indictment or information must be found shall not include the time during which the defendant is a public officer or employee and the offense arises from misconduct relating to the duties and trust of that office or employment. Iowa Code § 802.6.• When an offense is based on a series of acts committed at different times, the period of limitation commences upon the commission of the last of such acts. Iowa Code § 802.7.• An indictment is found when it is duly presented by the grand jury in open court and filed. An information is found when it is filed. Iowa Code § 802.8.