

Criminal Statutes of Limitations

Iowa

Last Updated: December 2017

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 eighteen (18), a case must be brought by the later of either: (a) within ten (10) years after victim attains eighteen (18) years of age; or (b) if the offender is identified through the use of a DNA profile, within three (3) years from the date the offender is identified by his or her DNA.2. If the victim is eighteen (18) years of age or older, a case must be brought by the later of either: (a) within ten (10) years after the commission of the crime; or (b) if the offender is identified through the use of a DNA profile, within three (3) 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 § 709.22. 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 eighteen (18), a case must be brought by the later of either: (a) within ten (10) years after victim attains eighteen (18) years of age; or (b) if the offender is identified through the use of a DNA profile, within three (3) years from the date the offender is identified by his or her DNA.2. If the victim is eighteen (18) years of age or older, a case must be brought by the later of either: (a) within ten (10) years after the commission of the crime; or (b) if the offender is identified through the use of a DNA profile, within three (3) 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
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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 eighteen (18), a case must be brought by the later of either: (a) within ten (10) years after victim attains eighteen (18) years of age; or (b) if the offender is identified through the use of a DNA profile, within three (3) years from the date the offender is identified by his or her DNA. 2. If the victim is eighteen (18) years of age or older, a case must be brought by the later of either: (a) within ten (10) years after the commission of the crime; or (b) if the offender is identified through the use of a DNA profile, within three (3) 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

Lascivious acts with a child

Question	Answer
What is the statute of limitations for this crime?	<p>Lascivious acts with a child is a class “C” or “D” felony, depending upon the circumstances.</p> <p>A case must be brought by the later of either: (a) within ten (10) years after the victim attains eighteen (18) years of age; or (b) if the offender is identified through the use of a DNA profile, within three (3) years from the date the offender is identified by his or her DNA.</p>
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. <ol style="list-style-type: none"> 1. The statute of limitations for this crime depends upon the age of the victim at the time of the commission of the offense. If the victim was under eighteen (18) years of age at the time of the commission of the offense, a case must be brought by the later of either: (a) within ten (10) years after the victim attains eighteen (18) years of age; or (b) if the offender is identified through the use of a DNA profile, within three (3) years from the date the offender is identified by his or her DNA. 2. If the victim was not under the age of eighteen (18) at the time of the commission of the offense, legal proceedings against the offender must commence within three (3) years after commission of the offense; provided, however, that if the offender is identified through the use of a DNA profile, a claim may be brought 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 § 709.11 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> <p>A case must be brought by the later of either: (a) within ten (10) years after the victim attains eighteen (18) years of age; or (b) if the offender is identified through the use of a DNA profile, within three (3)</p>

	years from the date the offender is identified by his or her DNA.
Statutory citation(s):	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
What is the statute of limitations for this crime?	Lascivious conduct with a minor is a serious misdemeanor. A case must be brought by the later of either: (a) within ten (10) years after the victim attains eighteen (18) years of age; or (b) if the offender is identified through the use of a DNA profile, within three (3) years from the date the offender is identified by his or her DNA.
Statutory citation(s):	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?	The classification for this crime depends upon the following: <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 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, within one year after the termination of the provision of mental health services by the counselor or therapist; or (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. • Aggravated misdemeanor if there is: (1) any sexual conduct by a counselor or therapist with an emotionally

	<p>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; or (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.</p> <ul style="list-style-type: none"> • 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. <p>The statute of limitations for this crime depends upon the age of the victim at the time of the commission of the offense.</p> <ol style="list-style-type: none"> 1. If the victim is under age eighteen (18), prosecution must commence within ten (10) years after victim attains eighteen (18) years of age; or 2. If the victim is age eighteen (18) or older, a prosecution must commence within ten (10) years after victim was last treated by the counselor or therapist, or within ten (10) years of the date the victim was enrolled in or attended the school.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Iowa Code § 709.15 2. Citation for the statute of limitations: Iowa Code § 802.2A

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> <ol style="list-style-type: none"> 1. If the victim is under the age of eighteen (18) and placed in a juvenile placement facility, a case must be brought by the later of either: (a) within ten (10) years after the victim attains eighteen (18) years of age; or (b) if the offender is identified through the use of a DNA profile, within three (3) years from the date the offender is identified by his or her DNA. 2. If the victim is an individual committed to the custody of the department of corrections or a prisoner incarcerated in a county jail, a case must be brought within three (3) years after commission of the offense.

Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Iowa Code § 709.16 2. Citation for the statute of limitations: Iowa Code §§ 802.2B; 802.3
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Incest

Question	Answer
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 eighteen (18), legal proceedings against the offender must commence within ten (10) years after victim attains eighteen (18) years of age; or 2. If the victim is aged eighteen (18) or older, legal proceedings must commence against the offender within ten (10) 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

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 “C” or “D” felony, depending upon the circumstances.</p> <p>Legal proceedings against the offender must commence by the later of either: (a) within ten (10) years after the victim attains eighteen (18) years of age; or (b) if the offender is identified through the use of a DNA profile, within three (3) years from the date the offender is identified by his or her DNA.</p>
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.

Indecent exposure

Question	Answer
What is the statute of limitations for this crime?	Indecent exposure is a serious misdemeanor. Legal proceedings against the offender must commence within three (3) years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Iowa Code § 709.9 2. Citation for the statute of limitations: Iowa Code § 802.3

Invasion of privacy--nudity

Question	Answer
What is the statute of limitations for this crime?	Invasion of privacy-nudity is an aggravated misdemeanor. Legal proceedings must commence against the offender within three (3) years after commission of the offense.
Statutory citation(s):	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 pursued against only the DNA profile of the person sought, if the DNA profile has not yet identified a named individual. This action tolls the limitation of an action under Iowa Code § 802.3. 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 three 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.