

# Criminal Statutes of Limitations Kentucky

*Last Updated: March 2020*

## Rape, first degree

Question	Answer
What is the statute of limitations for this crime?	Rape in the first degree is a Class B felony unless the victim is under twelve (12) years old or receives a serious physical injury in which case it is a Class A felony.  Under Kentucky law, this crime is a felony and there is no statute of limitations for any felony.
Statutory citation(s):	1. Citation for the crime: Ky. Rev. Stat. § 510.040. 2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.

## Rape, second degree

Question	Answer
What is the statute of limitations for this crime?	Rape in the second degree is a Class C felony.  Under Kentucky law, this crime is a felony and there is no statute of limitations for any felony.
Statutory citation(s):	1. Citation for the crime: Ky. Rev. Stat. § 510.050. 2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.

## Rape, third degree

Question	Answer
----------	--------

What is the statute of limitations for this crime?	Rape in the third degree is a Class D felony. Under Kentucky law, this crime is a felony and there is no statute of limitations for any felony.
Statutory citation(s):	1. Citation for the crime: Ky. Rev. Stat. § 510.060. 2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.

### **Sodomy, first degree**

Question	Answer
What is the statute of limitations for this crime?	Sodomy in the first degree is a Class B felony unless the victim is under twelve (12) years old or receives a serious physical injury in which case it is a Class A felony. Under Kentucky law, this crime is a felony and there is no statute of limitations for any felony.
Statutory citation(s):	1. Citation for the crime: Ky. Rev. Stat. § 510.070. 2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.

### **Sodomy, second degree**

Question	Answer
What is the statute of limitations for this crime?	Sodomy in the second degree is a Class C felony. Under Kentucky law, this crime is a felony and there is no statute of limitations for any felony.
Statutory citation(s):	1. Citation for the crime: Ky. Rev. Stat. § 510.080. 2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.

### **Sodomy, third degree**

Question	Answer
What is the statute of limitations for this crime?	Sodomy in the third degree is a Class D felony.  Under Kentucky law, this crime is a felony and there is no statute of limitations for any felony.
Statutory citation(s):	1. Citation for the crime: Ky. Rev. Stat. § 510.090. 2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.

### Sodomy, fourth degree

Question	Answer
What is the statute of limitations for this crime?	<u>Note:</u> <i>Commonwealth of Kentucky v. Wasson</i> , 842 S.W.2d 487 (Ky. 1992).  <ul style="list-style-type: none"> <li>• This crime was held unconstitutional;</li> <li>• Criminal statute proscribing consensual homosexual sodomy violates right of privacy and of equal protection guaranteed by Kentucky Constitution.</li> </ul> <p>This crime is a Class A misdemeanor.</p> <ol style="list-style-type: none"> <li>1. If the victim is over the age of eighteen (18), legal proceedings against the perpetrator must be brought within one (1) year after commission of the offense; or</li> <li>2. If the victim is under the age of eighteen (18) at the time of the offense, prosecution of the offense shall be commenced within five (5) years after the victim attains the age of eighteen (18) years.</li> </ol>
Statutory citation(s):	1. Citation for the crime: Ky. Rev. Stat. § 510.100. 2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.

### Sexual abuse, first degree

Question	Answer
----------	--------

What is the statute of limitations for this crime?	Sexual abuse in the first degree is a Class D felony, unless the victim is less than twelve (12) years old, in which case the offense shall be a Class C felony.  Under Kentucky law, this crime is a felony and there is no statute of limitations for any felony.
Statutory citation(s):	1. Citation for the crime: Ky. Rev. Stat. § 510.110. 2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.

### Sexual abuse, second degree

Question	Answer
What is the statute of limitations for this crime?	Sexual abuse in the second degree is a Class A misdemeanor.  1. If the victim is over the age of eighteen (18), legal proceedings against the perpetrator must be brought within one (1) year after commission of the offense; or 2. If the victim is under the age of eighteen (18) at the time of the offense, prosecution of the offense shall be commenced within five (5) years after the victim attains the age of eighteen (18).
Statutory citation(s):	1. Citation for the crime: Ky. Rev. Stat. § 510.120. 2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.

### Sexual abuse, third degree

Question	Answer
What is the statute of limitations for this crime?	Sexual abuse in the third degree is a Class B misdemeanor.  1. If the victim is over the age of eighteen (18), legal proceedings against the perpetrator must be brought within one (1) year after commission of the offense; or 2. If the victim is under the age of eighteen (18) at the time of the offense, prosecution of the offense shall be commenced within five (5) years after the victim attains the age of eighteen (18).
Statutory citation(s):	1. Citation for the crime: Ky. Rev. Stat. § 510.130. 2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.

## Sexual misconduct

Question	Answer
What is the statute of limitations for this crime?	Sexual misconduct is a Class A misdemeanor. <ol style="list-style-type: none"><li>1. If the victim is over the age of eighteen (18), legal proceedings against the perpetrator must be brought within one (1) year after commission of the offense; or</li><li>2. If the victim is under the age of eighteen (18) at the time of the offense, prosecution of the offense shall be commenced within five (5) years after the victim attains the age of eighteen (18).</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: Ky. Rev. Stat. § 510.140.</li><li>2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.</li></ol>

## Indecent Exposure, first degree

Question	Answer
What is the statute of limitations for this crime?	Indecent exposure in the first degree is a: <ul style="list-style-type: none"><li>• Class B misdemeanor for the first offense;</li><li>• Class A misdemeanor for the second offense, if it was committed within three (3) years of the first conviction;</li><li>• Class D felony for the third offense, if it was committed within three (3) years of the second conviction; and</li><li>• Class D felony for any subsequent offense, if it was committed within three (3) years of the prior conviction.</li></ul> The statute of limitations for this crime depends on the crime's classification. See above for further detail. <ol style="list-style-type: none"><li>1. If a Felony: There is no statute of limitations for any felony.</li><li>2. If a Misdemeanor: (a) If the victim is under the age of eighteen (18) at the time of the commission of the offense, the prosecution of the offense must be commenced within five (5) years after the victim turns eighteen (18) years of age; (b) If the victim is over the age of eighteen (18), legal proceedings</li></ol>

	against the perpetrator must be brought within one (1) year after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Ky. Rev. Stat. § 510.148. 2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.

## Indecent Exposure, second degree

Question	Answer
What is the statute of limitations for this crime?	Indecent exposure in the second degree is a Class B misdemeanor.  1. If the victim is over the age of eighteen (18), legal proceedings against the perpetrator must be brought within one (1) year after commission of the offense; or 2. If the victim is under the age of eighteen (18) at the time of the offense, prosecution of the offense shall be commenced within five (5) years after the victim attains the age of eighteen (18).
Statutory citation(s):	1. Citation for the crime: Ky. Rev. Stat. § 510.150. 2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.

## Voyeurism

Question	Answer
What is the statute of limitations for this crime?	Voyeurism is a Class A misdemeanor.  Legal proceedings against the perpetrator must be brought within one (1) year after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Ky. Rev. Stat. § 531.090. 2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.

## Incest

Question	Answer
What is the statute of limitations for this crime?	Incest is a Class A, B, or C felony, depending upon the circumstances.  Under Kentucky law, this crime is a felony and there is no statute of limitations for any felony.
Statutory citation(s):	1. Citation for the crime: Ky. Rev. Stat. § 530.020. 2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.

### **Unlawful use of electronic means to induce a minor to engage in sexual or other prohibited activities**

Question	Answer
What is the statute of limitations for this crime?	Unlawful use of electronic means originating or received within the Commonwealth to induce a minor to engage in sexual or other prohibited activities is a Class D felony.  Under Kentucky law, this crime is a felony and there is no statute of limitations for any felony.
Statutory citation(s):	1. Citation for the crime: Ky. Rev. Stat. § 510.155. 2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.

### **Distribution of obscene matter to minors**

Question	Answer
What is the statute of limitations for this crime?	Distribution of obscene materials to minors is a Class A misdemeanor unless the defendant has previously been convicted of violation of this section or of Ky. Rev. Stat. § 531.020 (distribution of obscene matter), in which case it shall be a Class D felony.  1. If a Felony: There is no statute of limitations for any felony. 2. If a Misdemeanor: Legal proceedings against the perpetrator must be brought within one (1) year after commission of the offense.

Statutory citation(s):	1. Citation for the crime: Ky. Rev. Stat. § 531.030. 2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.
------------------------	---

## Video voyeurism

Question	Answer
What is the statute of limitations for this crime?	Video voyeurism is a Class D felony.  Under Kentucky law, this crime is a felony and there is no statute of limitations for any felony.
Statutory citation(s):	1. Citation for the crime: Ky. Rev. Stat. § 531.100. 2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.

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

Question	Answer
Exceptions	None specified.

## Anything else I should know?

Question	Answer
Anything else I should know?	<ul style="list-style-type: none"> <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. Ky. Rev. Stat. § 500.050(4).</li> <li>• There is no time limitation on when a felony case may be brought. <i>Reed v. Com.</i>, 738 S.W.2d 818, 819 (Ky. 1987) ("A legislative determination has been made that felony charges may be brought at any time, since the interest of the Commonwealth in the prosecution of crime outweighs the benefits normally associated with</li> </ul>



- statutes of limitation and there is no right to be free of a felony prosecution by the mere passage of time.”).
- If the statute specifically provides for a longer period of limitations than the general one-year limit on misdemeanors set forth in Ky. Rev. Stat. § 500.050, the longer period applies. *Com. v. Dickerson*, 258 Ky. 446 (Ky. 1935) (holding that where a statute creating a misdemeanor prescribes a longer period of limitations than one year, the offense is not barred until the statutorily prescribed limitations period has elapsed).