

Criminal Statutes of Limitations Kentucky

Last Updated: April 2023

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
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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"> • This crime was held unconstitutional; • Criminal statute proscribing consensual homosexual sodomy violates right of privacy and of equal protection guaranteed by Kentucky Constitution. <p>This crime is a Class A misdemeanor.</p> <ol style="list-style-type: none"> 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) years.
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
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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">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; or2. 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):	<ol style="list-style-type: none">1. Citation for the crime: Ky. Rev. Stat. § 510.140.2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.

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">• Class B misdemeanor for the first offense;• Class A misdemeanor for the second offense, if it was committed within three (3) years of the first conviction;• Class D felony for the third offense, if it was committed within three (3) years of the second conviction; and• Class D felony for any subsequent offense, if it was committed within three (3) years of the prior conviction. The statute of limitations for this crime depends on the crime's classification. See above for further detail. <ol style="list-style-type: none">1. If a Felony: There is no statute of limitations for any felony.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

	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.

Unlawful transaction with a minor in the first degree

Question	Answer
What is the statute of limitations for this crime?	Use of a minor in a sexual performance 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):	<ol style="list-style-type: none"> 1. Citation for the crime: Ky. Rev. Stat. § 530.064 (1)(a) . 2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.
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Distribution of obscene matter to minors

Question	Answer
What is the statute of limitations for this crime?	<p>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.</p> <ol style="list-style-type: none"> 1. If a Felony: There is no statute of limitations for any felony. 2. If a Misdemeanor: prosecution shall be commenced within one (1) year after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 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?	<p>Video voyeurism is a Class D felony.</p> <p>Under Kentucky law, this crime is a felony and there is no statute of limitations for any felony.</p>
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Ky. Rev. Stat. § 531.100. 2. Citation for the statute of limitations: Ky. Rev. Stat. § 500.050.

Use of a minor in a sexual performance

Question	Answer
What is the statute of limitations for this crime?	Use of a minor in a sexual performance 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.
What is the statute of limitations for this crime?	1. Citation for the crime: Ky. Rev. Stat. § 531.310. 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"> • 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). • 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 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. <i>Com. v. Dickerson</i>, 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).

- Unless a higher penalty is otherwise prescribed and notwithstanding any provision of this chapter to the contrary (Chapter 510. Sexual Offenses), a person who commits a third or subsequent misdemeanor offense under this chapter, except for violations of KRS 510.150, may be convicted of a Class D felony. If the Commonwealth desires to utilize the provisions of this section, the Commonwealth shall indict the defendant and the case shall be tried in the Circuit Court as a felony case. The jury, or judge if the trial is without a jury, may decline to assess a felony penalty in a case under this section and may convict the defendant of a misdemeanor. Ky. Rev. Stat. Ann. § 510.015
- In 2015, the Kentucky General Assembly passed House Bill 8, extending the ability to petition for interpersonal protective orders when the person has been the victim of domestic violence and abuse, dating violence and abuse, sexual assault, or stalking in KRS 456.010 - 456.180. The entering of a judgment of conviction for any degree of rape, sodomy, or sexual abuse shall operate as an application for an interpersonal protective order issued under KRS Chapter 456, unless the victim requests otherwise. Ky. Rev. Stat. § 510.037.