

Criminal Statutes of Limitations Louisiana

Last Updated: April 2023

First degree rape

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. There is no time limit upon the initiation of prosecution for first degree rape.2. For attempted first degree rape that involves a victim under eighteen (18) years of age, prosecution must commence within thirty (30) years from the date that the victim attains the age of eighteen (18).
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: La. Rev. Stat. § 14:42. This statute was amended on August 1, 2015, and what was previously deemed “aggravated rape” is now first degree rape.2. Citation for the statute of limitations: La. Code Crim. Proc. art. 571 and 571.1. <p>Note: This statute was held unconstitutional by <i>Kennedy v. Louisiana</i>, 554 U.S. 407 (2008), because it allows for the imposition of the death penalty for a crime in which the victim did not die and the victim’s death was not intended.</p>

Second degree rape

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. There is no time limit upon the initiation of prosecution for second degree rape.2. For attempted second degree rape that involves a victim under eighteen (18) years of age, prosecution must commence within thirty (30) years from the date that the victim attains the age of eighteen (18).
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: La. Rev. Stat. § 14:42.1. This statute was amended on August 1, 2015, and what was previously deemed “forcible rape” is now second degree rape.2. Citation for the statute of limitations: La. Code Crim. Proc. art. 571. and 571.1.

Third degree rape

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution against the perpetrator must commence within six (6) years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: La. Rev. Stat. § 14:43. This statute was amended on August 1, 2015, and what was previously deemed "simple rape" is now third degree rape. 2. Citation for the statute of limitations: La. Code Crim. Proc. art. 572.

Sexual battery

Question	Answer
What is the statute of limitations for this crime?	1. If the offense was committed against a victim under eighteen (18), then prosecution must commence within thirty (30) years from the date that the victim attains the age of eighteen (18); or 2. If the offender is seventeen (17) years of age or older and any of the following exist: (i) the act is without consent of the victim and the victim is prevented from resisting the act because (A) the victim is physically incapable of preventing the act due to a physical disability or (B) the victim is incapable, through unsoundness of mind, of understanding the nature of the act, and the offender knew or should have known of the victim's incapacity or (ii) the act is without consent of the victim, and the victim is sixty-five (65) years of age or older, then prosecution must commence within six (6) years after commission of the offense; or 3. If none of the above criteria are met, then prosecution must commence within four (4) years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: La. Rev. Stat. § 14:43.1. 2. Citation for the statute of limitations: La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1.

Misdemeanor sexual battery

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution against the perpetrator must commence within two (2) years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: La. Rev. Stat. § 14:43.1.1. 2. Citation for the statute of limitations: La. Code Crim. Proc. art. 572.

Second degree sexual battery

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. If the offense was committed against a victim under eighteen (18), then prosecution must commence within thirty (30) years from the date that the victim attains the age of eighteen (18); or2. If the offender is seventeen (17) years of age or older and any of the following exist: (i) the victim is physically incapable of preventing the act due to a physical disability, (ii) the victim is incapable, through unsoundness of mind, of understanding the nature of the act, and the offender knew or should have known of the victim's incapacity or (iii) the victim is sixty-five (65) years of age or older, then prosecution must commence within six (6) years after commission of the offense; or3. If none of the above criteria are met, then prosecution must commence within four (4) years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: La. Rev. Stat. § 14:43.2.2. Citation for the statute of limitations: La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1.

Oral sexual battery

Question	Answer
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What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. If the offense was committed against a victim under eighteen (18), then prosecution must commence within thirty (30) years from the date that the victim attains the age of eighteen (18); or 2. If the offender is seventeen (17) years of age or older and any of the following exist: (i) the act is without consent of the victim and the victim is prevented from resisting the act because (A) the victim is physically incapable of preventing the act due to a physical disability or (B) the victim is incapable, through unsoundness of mind, of understanding the nature of the act, and the offender knew or should have known of the victim's incapacity or (ii) the act is without consent of the victim, and the victim is sixty-five (65) years of age or older, then prosecution must commence within six (6) years after commission of the offense; or 3. If none of the above criteria are met, then prosecution must commence within four (4) years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: La. Rev. Stat. § 14:43.3. 2. Citation for the statute of limitations: La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1.

Female genital mutilation

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution must commence within four (4) years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: La. Rev. Stat. § 14:43.4. 2. Citation for the statute of limitations: La. Code Crim. Proc. art. 572.

Intentional exposure to HIV

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution must commence within four (4) years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: La. Rev. Stat. § 14:43.5. 2. Citation for the statute of limitations: La. Code Crim. Proc. art. 572.

Crime Against Nature

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. If the offense was committed against a victim under eighteen (18), then prosecution must commence within thirty (30) years from the date that the victim attains the age of eighteen (18); or2. If the offense is between an ascendant and descendant, or between brother and sister, then prosecution must commence within six (6) years after commission of the offense; or3. If none of the above criteria are met, then prosecution must commence within four (4) years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: La. Rev. Stat. § 14:89.2. Citation for the statute of limitations: La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1.

Aggravated Crime Against Nature

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. If the offense was committed against a victim under eighteen (18), then prosecution must commence within thirty (30) years from the date that the victim attains the age of eighteen (18); or2. For a felony necessarily punishable by imprisonment at hard labor, within six (6) years after commission of the offense; or3. For a felony not necessarily punishable by imprisonment at hard labor, within four (4) years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: La. Rev. Stat. § 14:89.1.2. Citation for the statute of limitations: La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1.

Felony carnal knowledge of a juvenile

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution must commence within thirty (30) years from the date that the victim attains the age of eighteen (18).
Statutory citation(s):	1. Citation for the crime: La. Rev. Stat. § 14:80. 2. Citation for the statute of limitations: La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1.

Misdemeanor carnal knowledge of a juvenile

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution must commence within two (2) years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: La. Rev. Stat. § 14:80.1. 2. Citation for the statute of limitations: La. Code Crim. Proc. art. 572.

Indecent behavior with juveniles

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution must commence within four (4) years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: La. Rev. Stat. § 14:81. 2. Citation for the statute of limitations: La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1; La. Code Crim. Proc. art. 575.

Molestation of a juvenile or a person with a physical or mental disability

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. If the offense was committed against a victim under eighteen (18), then prosecution must commence within thirty (30) years from the date that the victim attains the age of eighteen (18); or2. If the offense was committed against a person with a physical or mental disability, then prosecution must commence within six (6) years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: La. Rev. Stat. § 14:81.2.2. Citation for the statute of limitations: La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1; La. Code Crim. Proc. art. 572.

Prohibited sexual conduct between educator and student

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. For the first time offense, prosecution must commence within two (2) years after commission of the offense.2. For a second or subsequent offense, prosecution must commence within four (4) years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: La. Rev. Stat. § 14:81.4.2. Citation for the statute of limitations: La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 575.

Pornography involving juveniles

Question	Answer
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What is the statute of limitations for this crime?	1. Prosecution must commence within thirty (30) years from the date that the victim attains the age of eighteen (18).
Statutory citation(s):	1. Citation for the crime: La. Rev. Stat. § 14:81.1 2. Citation for the statute of limitations: La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1.

Sexting

Question	Answer
What is the statute of limitations for this crime?	This crime applies to those under the age of seventeen (17). 1. Prosecution must commence within two (2) years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: La. Rev. Stat. § 14:81.1.1. 2. Citation for the statute of limitations: La. Code Crim. Proc. art. 572.

Computer-aided solicitation of a minor

Question	Answer
What is the statute of limitations for this crime?	1. If the offense was committed against a victim under eighteen (18), then prosecution must commence within thirty (30) years from the date that the victim attains the age of eighteen (18); or 2. For a felony necessarily punishable by imprisonment at hard labor, prosecution must commence within six (6) years after commission of the offense; or 3. For a felony not necessarily punishable by imprisonment at hard labor, prosecution must commence within four (4) years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: La. Rev. Stat. § 14:81.3. 2. Citation for the statute of limitations: La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1.

Are there any exceptions to the statute of limitations laws?

Question	Answer
Are there any exceptions to the statute of limitations laws?	<ul style="list-style-type: none">• Prosecutions for the following sex offenses: attempted first degree rape, also formerly titled aggravated rape (La. Rev. Stat. § 14:27, La. Rev. Stat. § 14:42), attempted second degree rape, also formerly titled forcible rape (La. Rev. Stat. § 14:27, La. Rev. Stat. § 14:42.1), sexual battery (R.S. 14:43.1), second degree sexual battery (R.S. 14:43.2), oral sexual battery (La. Rev. Stat. § 14:43.3), human trafficking (La. Rev. Stat. § 14:46.2(B)(2) or (3)), trafficking of children for sexual purposes (La. Rev. Stat. § 14:46.3), felony carnal knowledge of a juvenile (La. Rev. Stat. § 14:80), indecent behavior with juveniles (La. Rev. Stat. § 14:81), pornography involving juveniles (La. Rev. Stat. § 14:81.1), molestation of a juvenile or a person with a physical or mental disability (La. Rev. Stat. § 14:81.2), prostitution of persons under eighteen (La. Rev. Stat. § 14:82.1), enticing persons into prostitution (La. Rev. Stat. § 14:86), crime against nature (La. Rev. Stat. § 14:89), aggravated crime against nature (La. Rev. Stat. § 14:89.1), crime against nature by solicitation (La. Rev. Stat. § 14:89.2(B)), which involves a victim under eighteen (18), must commence within thirty (30) years from the date the victim attains the age of eighteen (18). La. Code Crim. Proc. art. 571.1.• Prosecutions for any sex offense that would otherwise be barred may be commenced within three (3) years after the date on which the identity of the suspect is established by DNA testing. La. Code Crim. Proc. art. 572(B)(2).

Anything else I should know?

Question	Answer
Anything else I should know?	<ul style="list-style-type: none">• In <i>State ex rel. Nicholson v. State</i>, 169 So.3d 344 (La. 2015), the Court found that retroactive application of the DNA exception set forth in La. Code Crim. Proc. art. 572(B)(1) to revive the prescribed charges in the defendant's case violated the Ex Post Facto Clauses of the federal and state constitutions.• The periods of limitation shall be interrupted and shall not run when the defendant, for purposes of avoiding detection, apprehension or prosecution, flees from the state, is outside of the state or is absent from his usual place of abode within the state, or lacks mental capacity to proceed at trial and is committed. La. Code Crim. Proc. art. 575.• To establish that a person is a fugitive fleeing from justice it must first be shown that he was within the

jurisdiction at the time the offense occurred and thereafter moved out. However, mere absence is not enough. The status of being a fugitive also requires an intent to avoid prosecution and punishment for a particular offense. If the intent is bona fide and for legitimate purposes, the person is not a fugitive. *State v. Bobo*, 2003-2362 (La. 4/30/04), 872 So. 2d 1052, 1056 (citing *State v. Stanton*, 209 La. 457, 468, 24 So.2d 819, 822 (1946)).

- The definition of the offense under La. Rev. Stat. § 14:81 (Prohibited sexual conduct between educator and student) was expanded to include lewd or lascivious act “in the virtual” presence of the student. See CERTAIN SEX OFFENSES AGAINST MINORS, 2021 La. Sess. Law Serv. Act 186 (H.B. 222) (WEST).