

# Criminal Statutes of Limitations Massachusetts

*Last Updated: March 2020*

## Rape

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"><li>1. Legal proceedings against perpetrator must commence within 15 years after commission of the offense;</li><li>2. If the victim is under 16 at the time the crime is committed, the period of limitation for prosecution shall not commence until the victim has reached the age of 16 or the violation is reported to a law enforcement agency, whichever occurs earlier.</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: Mass. Gen. Laws ch. 265, § 22.</li><li>2. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63.</li></ol>

## Wanton or reckless behavior creating a risk of serious bodily injury or sexual abuse to a child

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"><li>1. There is no time limit to commence legal proceedings against the perpetrator for this crime.</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: Mass. Gen. Laws ch. 265, § 13L.</li><li>2. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63.</li></ol>

## Rape of child (i.e., under 16 years of age)

Question	Answer
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What is the statute of limitations for this crime?	1. There is no time limit to commence legal proceedings against the perpetrator for this crime.
Statutory citation(s):	1. Citation for the crime: Mass. Gen. Laws ch. 265, § 22A. 2. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63.

### **Rape of child during commission of certain offenses or by use of force**

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit to commence legal proceedings against the perpetrator for this crime.
Statutory citation(s):	1. Citation for the crime: Mass. Gen. Laws ch. 265, § 22B. 2. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63.

### **Rape of a child through use of force by certain previously convicted offenders**

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit to commence legal proceedings against the perpetrator for this crime.
Statutory citation(s):	1. Citation for the crime: Mass. Gen. Laws ch. 265, §22C. 2. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63.

### **Rape and abuse of child**

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit to commence legal proceedings against the perpetrator for this crime.

Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mass. Gen. Laws ch. 265, § 23.</li> <li>2. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63.</li> </ol>
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**Rape and abuse of child aggravated by age difference between defendant and victim or when committed by mandated reporters**

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit to commence legal proceedings against the perpetrator for this crime.
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mass. Gen. Laws ch. 265, § 23A.</li> <li>2. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63</li> </ol>

**Rape and abuse of child by certain previously convicted offenders**

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit to commence legal proceedings against the perpetrator for this crime.
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mass. Gen. Laws ch. 265, § 23B.</li> <li>2. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63.</li> </ol>

**Assault with intent to commit rape**

Question	Answer
What is the statute of limitations for this crime?	1. An indictment must be found and filed within 15 years after commission of the offense.

Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mass. Gen. Laws ch. 265, § 24.</li> <li>2. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63.</li> </ol>
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### **Assault on child with intent to commit rape**

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> <li>1. There is no time limit to commence legal proceedings against the perpetrator for this crime.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mass. Gen. Laws ch. 265, § 24B.</li> <li>2. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63.</li> </ol>

### **Enticing away person for prostitution or sexual intercourse**

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> <li>1. An indictment must be found and filed within 6 years after commission of the offense;</li> <li>2. If the victim was under 16 at the time of the crime, the time does not begin to run until the victim has reached 16 or the crime is reported to a law enforcement agency, whichever is earlier.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mass. Gen. Laws ch. 272, § 2.</li> <li>2. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63</li> </ol>

### **Drugging persons for sexual intercourse**

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> <li>1. An indictment must be found and filed within 6 years after commission of the offense;</li> <li>2. If the victim was under 16 at the time of the crime, the time does not begin to run until the victim has reached 16 or the crime is reported to a law enforcement agency, whichever is earlier.</li> </ol>

Statutory citation(s):	1. Citation for the crime: Mass. Gen. Laws ch. 272, § 3. 2. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63.
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### **Inducing person under 18 to have sexual intercourse**

Question	Answer
What is the statute of limitations for this crime?	1. An indictment must be found and filed within 6 years after commission of the offense; 2. If the victim was under 16 at the time of the crime, the time does not begin to run until the victim has reached 16 or the crime is reported to a law enforcement agency, whichever is earlier.
Statutory citation(s):	1. Citation for the crime: Mass. Gen. Laws ch. 272, § 4. 2. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63.

### **Owner of place inducing or suffering person to resort in such place for sexual intercourse**

Question	Answer
What is the statute of limitations for this crime?	1. An indictment must be found and filed within 6 years after commission of the offense; 2. If the victim was under 16 at the time of the crime, the time does not begin to run until the victim has reached 16 or the crime is reported to a law enforcement agency, whichever is earlier.
Statutory citation(s):	1. Citation for the crime: Mass. Gen. Laws ch. 272, § 6. 2. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63.

### **Open and gross lewdness and lascivious behavior**

Question	Answer

What is the statute of limitations for this crime?	Mass. Gen. Laws ch. 272, § 16 has been found to be unconstitutional. <i>Scione v. Commonwealth</i> , 481 Mass. 225 (2019).
Statutory citation(s):	Mass. Gen. Laws ch. 272, § 16 has been found to be unconstitutional. <i>Scione v. Commonwealth</i> , 481 Mass. 225 (2019).

## Incestuous marriage or sexual activities

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> <li>1. An indictment must be found and filed within 10 years after commission of the offense;</li> <li>2. If the victim was under 16 at the time of the crime, the time does not begin to run until the victim has reached 16 or the crime is reported to a law enforcement agency, whichever is earlier.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mass. Gen. Laws ch. 272, § 17.</li> <li>2. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63.</li> </ol>

## Crime against nature

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> <li>1. Legal proceedings against the perpetrator must commence within 6 years after commission of the offense;</li> <li>2. If the victim was under 16 at the time of the crime, the time does not begin to run until the victim has reached 16 or the crime is reported to a law enforcement agency, whichever is earlier.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mass. Gen. Laws ch. 272, § 34. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63.</li> </ol>

## Unnatural and lascivious acts

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> <li>1. An indictment must be found and filed within 6 years after commission of the offense;</li> <li>2. If the victim was under 16 at the time of the crime, the time does not begin to run until the victim has reached 16 or the crime is reported to a law enforcement agency, whichever is earlier.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mass. Gen. Laws ch. 272, § 35.</li> <li>2. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63.</li> </ol>

### **Unnatural and lascivious acts with child under 16**

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> <li>1. An indictment must be found and filed within 6 years after commission of the offense;</li> <li>2. The time does not begin until the victim has reached 16 or the crime is reported to a law enforcement agency, whichever is earlier.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mass. Gen. Laws ch. 272, § 35A.</li> <li>2. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63.</li> </ol>

### **Trafficking persons for sexual servitude**

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> <li>1. If the victim is under 18, there is no time limit to commence legal proceedings against the perpetrator for this crime;</li> <li>2. If the victim is 18 or over, an indictment must be found and filed within 15 years of the commission of the crime.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mass. Gen. Laws ch. 265, § 50.</li> <li>2. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63.</li> </ol>

### **Inducing minors into prostitution**

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> <li>1. An indictment must be found and filed within 6 years after commission of the offense;</li> <li>2. If the victim was under 16 at the time of the crime, the limitations period does not begin until the victim has reached 16 or the crime is reported to a law enforcement agency, whichever is earlier.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mass. Gen. Laws ch. 272, § 4A.</li> <li>2. Citation for the statute of limitations: Mass. Gen. Laws ch. 277, § 63.</li> </ol>

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

Question	Answer
Exceptions	<p>Mass. Gen. Laws ch. 277 § 63: An indictment or complaint for an offense set forth in section 13B, 13B ½, 13B ¾, 13F, 13L, 22A, 22B, 22C, 23, 23A, 23B, 24B or subsection (b) of section 50 of chapter 265, for conspiracy to commit any of these offenses, as an accessory thereto, or any 1 or more of them may be found and filed at any time after the date of the commission of such offense; but any indictment or complaint found and filed more than 27 years after the date of commission of such offense shall be supported by independent evidence that corroborates the victim's allegation. Such independent evidence shall be admissible during trial and shall not consist exclusively of the opinions of mental health professionals.</p>

### **Anything else I should know?**

Question	Answer
Anything else I should know?	<ul style="list-style-type: none"> <li>• Any period during which the defendant is not usually and publicly a resident within the commonwealth shall be excluded in determining the time limit. Mass Gen. Laws ch. 277, § 63.</li> <li>• Civil Actions: <ul style="list-style-type: none"> <li>• Mass. Gen. Laws ch. 260, § 4C Sexual abuse of minors <ul style="list-style-type: none"> <li>• Actions of tort alleging the defendant sexually abused a minor shall be commenced within 35 years of the acts alleged to have caused an injury or condition or within 7 years the time the victim discovered or reasonably should have discovered that an emotional or psychological injury or condition was caused by said act, whichever period expires later. Time limit for commencement</li> </ul> </li> </ul> </li> </ul>



of an action under this section is tolled for a child until the child reaches 18 years of age.

- *Premier Capital, LLC v. KMZ, Inc.*, 464 Mass. 467, 474, 984 N.E.2d 286, 291-92 (2013) (noting “the general rule that, absent clear legislative intent to the contrary, a newly enacted statute of limitations ‘controls future procedure in reference to previously existing causes of action.’”)