

Criminal Statutes of Limitations Minnesota

Last Updated: March 2020

Soliciting, Inducement, and Promotion of Prostitution; Sex Trafficking

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. If victim was under 18 at the time of commission of the offense, either nine years after commission of the offense or within three years after the offense was reported to law enforcement authorities, whichever is later; or2. If the victim is 18 or over, prosecution must commence within nine years after the commission of the offense; or3. If DNA evidence was collected and preserved, prosecution may commence at any time.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Minn. Stat. § 609.322.2. Citation for the statute of limitations: Minn. Stat. § 628.26.

Sodomy

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. Following the Supreme Court of the United States' decision in <i>Lawrence v. Texas</i>, it is unconstitutional to prohibit private sexual conduct between consenting adults. <i>Lawrence v. Texas</i> (2003) 539 U.S. 558. See also <i>In re Proposed Petition to Recall Hatch</i>, 628 N.W.2d 125 (Minn. 2001).2. The Hennepin County District Court found Section 609.293 unconstitutional as applied to private, noncommercial acts by consenting adults in <i>Doe v. Ventura</i>, No. MC 01-489, 2001 WL 543734 (4th Dist. Ct. Hennepin County, May 15, 2001). In <i>Devescovi v. Ventura</i>, 195 F. Supp. 2d 1146 (D. Minn. 2002), the United States District Court found that, since the decision was not appealed, the Hennepin County District Court decision is binding state law.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Minn. Stat. § 609.293.2. Citation for the statute of limitations: Minn. Stat. § 628.26.

Criminal sexual conduct, first degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. If victim was under 18 at the time of commission of the offense, either nine years after commission of the offense or within three years after the offense was reported to law enforcement authorities, whichever is later; or2. If the victim is 18 or over, prosecution must commence within nine years after the commission of the offense; or3. If DNA evidence was collected and preserved, prosecution may commence at any time.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Minn. Stat. § 609.342.2. Citation for the statute of limitations: Minn. Stat. § 628.26.

Criminal sexual conduct, second degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. If victim was under 18 at the time of commission of the offense, either nine years after commission of the offense or within three years after the offense was reported to law enforcement authorities, whichever is later; or2. If the victim is 18 or over, prosecution must commence within nine years after the commission of the offense; or3. If DNA evidence was collected and preserved, prosecution may commence at any time.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Minn. Stat. § 609.343.2. Citation for the statute of limitations: Minn. Stat. § 628.26.

Criminal sexual conduct, third degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. If victim was under 18 at the time of commission of the offense, either nine years after commission of the offense or within three years after the offense was reported to law enforcement authorities, whichever is later; or 2. If the victim is 18 or over, prosecution must commence within nine years after the commission of the offense; or 3. If DNA evidence was collected and preserved, prosecution may commence at any time.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Minn. Stat. § 609.344. 2. Citation for the statute of limitations: Minn. Stat. § 628.26.

Criminal sexual conduct, fourth degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. If victim was under 18 at the time of commission of the offense, either nine years after commission of the offense or within three years after the offense was reported to law enforcement authorities, whichever is later; or 2. If the victim is 18 or over, prosecution must commence within three years after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Minn. Stat. § 609.345. 2. Citation for the statute of limitations: Minn. Stat. § 628.26.

Criminal sexual conduct, fifth degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. Legal proceedings against perpetrator must commence within three years after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Minn. Stat. § 609.3451. 2. Citation for the statute of limitations: Minn. Stat. § 628.26.

Criminal sexual predatory conduct

Question	Answer
What is the statute of limitations for this crime?	1. Legal proceedings against perpetrator must commence within three years after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Minn. Stat. § 609.3453. 2. Citation for the statute of limitations: Minn. Stat. § 628.26.

Solicitation of Children to Engage in Sexual Conduct, Communication of Sexually Explicit Materials to Children

Question	Answer
What is the statute of limitations for this crime?	1. Legal proceedings against perpetrator must commence within three years after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Minn. Stat. § 609.352. 2. Citation for the statute of limitations: Minn. Stat. § 628.26.

Incest

Question	Answer
What is the statute of limitations for this crime?	1. Legal proceedings against perpetrator must commence within three years after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Minn. Stat. § 609.365. 2. Citation for the statute of limitations: Minn. Stat. § 628.26.

Female genital mutilation

Question	Answer
What is the statute of limitations for this crime?	1. Legal proceedings against perpetrator must commence within three years after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Minn. Stat. § 609.2245. 2. Citation for the statute of limitations: Minn. Stat. § 628.26.

Are there any exceptions to the statute of limitations laws?

Question	Answer
Exceptions	<ul style="list-style-type: none">• Minn. Stat. § 628.26(n), Limitations:<ul style="list-style-type: none">• The limitations period shall not include any period of time during which physical evidence relating to the offense was undergoing DNA analysis, unless the defendant demonstrates that the prosecuting or law enforcement agency purposefully delayed the DNA analysis process in order to gain an unfair advantage.

Anything else I should know?

Question	Answer
Anything else I should know?	<ul style="list-style-type: none">• Minn. Stat. § 628.26(l): The limitations period contained in this section shall exclude any period of time during which the defendant was not an inhabitant of or usually resident within this state.• Case law:<ul style="list-style-type: none">• <i>State v. Traczyk</i>, 421 N.W.2d 299 (Minn. 1988):<ul style="list-style-type: none">• Amendment to extend the statute of limitations after the crime was committed did not apply retroactively because the legislature did not expressly state the amendment applied retroactively.• <i>State v. Danielski</i>, 348 N.W.2d 352, 357 (Minn. Ct. App. 1984):

- Where the same parental authority that is used to accomplish criminal sexual acts against a child is used to prevent the reporting of that act, the statute of limitations does not begin to run until the child is no longer subject to that authority.
- *State v. French*, 392 N.W.2d 596 (Minn. Ct. App. 1986):
 - Where statute of limitations as to sexual abuse charge is tolled on the basis of coercion of defendant over victim (*Danielski*), victim must tell someone who actually brings information to proper authorities before statute runs
- Minn. Stat. § 541.073, Actions for damages due to sexual abuse:
 - An action for damages based on personal injury caused by sexual abuse (meaning criminal sexual conduct in the first, second, third, fourth, or fifth degree) (1) must be commenced within six years of the alleged sexual abuse in the case of alleged sexual abuse of an individual 18 years or older; (2) may be commenced at any time in the case of alleged sexual abuse of an individual under the age of 18; and (3) must be commenced before the plaintiff is 24 years of age in a claim against a natural person alleged to have sexually abused a minor when that natural person was under 14 years of age.
 - This section does not affect suspension of the statute of limitations during a period of disability under Minn. Stat. § 541.15.
 - Note: This section became effective May 25, 2013 and applies to actions that were not time-barred before the effective date, provided that in the case of alleged sexual abuse of an individual under the age of 18, if the action would otherwise be time-barred under a previous version of Minnesota statutes, an action for damages against a person may be commenced no later than 3 years following the effective date of this statute.