

Criminal Statutes of Limitations Mississippi

Last Updated: March 2020

Fondling child

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit for commencing legal proceedings against a perpetrator of this crime.
Statutory citation(s):	1. Citation for the crime: Miss. Code § 97-5-23. 2. Citation for the statute of limitations: Miss. Code § 99-1-5.

Statutory rape; drugging; spousal rape

Question	Answer
What is the statute of limitations for this crime?	1. There is no statute of limitations for prosecutions for rape.
Statutory citation(s):	1. Citation for the crime: Miss. Code § 97-3-65. 2. Citation for the statute of limitations: Miss. Code § 99-1-5. 3. Op. Atty. Gen. No. 2008-00673, Greenlee, January 23, 2009, 2009 WL 367663—The crime of statutory rape under § 97-3-65 does fall within the definition of “rape” as used in § 99-1-5, and statutory rape is not subject to the two-year statute of limitation contained in § 99-1-5. <i>See also Azomani v. State</i> , 222 So. 3d 282, 286 (Miss. 2017) (“[E]ven though statutory rape was not expressly set out in Section 99-1-5, ‘it is within the definition of rape for purposes of the exceptions to the general two-year statute of limitations.’”).

Assault with intent to ravish

Question	Answer
What is the statute of limitations for this crime?	1. Legal proceedings against perpetrator must commence within two years after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Miss. Code § 97-3-71. 2. Citation for the statute of limitations: Miss. Code § 99-1-5.

Sexual battery (includes rape)

Question	Answer
What is the statute of limitations for this crime?	1. No limit for sexual battery of a child (§ 97-3-95 (1)(c), (1)(d), and (2)) when: (a) victim is at least 14 but under 16 and offender is at least three years older than victim; (b) victim is under 14 and offender is at least two years older than victim; or (c) victim is under 18 and offender is in a position of trust or authority over the child; otherwise 2. Within two years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Miss. Code § 97-3-95. 2. Citation for the statute of limitations: Miss. Code § 99-1-5.

Sex between law-enforcement or correctional officer or employee and offender

Question	Answer
What is the statute of limitations for this crime?	Legal proceedings against perpetrator must commence within two years after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Miss. Code § 97-3-104. 2. Citation for the statute of limitations: Miss. Code § 99-1-5.

Disseminating sexual material to children; computer luring

Question	Answer
What is the statute of limitations for this crime?	<ul style="list-style-type: none">• Legal proceedings against perpetrator must commence within two years after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Miss. Code § 97-5-27.2. Citation for the statute of limitations: Miss. Code § 99-1-5.

Publicly displaying sexually oriented materials

Question	Answer
What is the statute of limitations for this crime?	Legal proceedings against perpetrator must commence within two years after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Miss. Code § 97-5-29.2. Citation for the statute of limitations: Miss. Code § 99-1-5.

Depicting child engaging in sexual conduct

Question	Answer
What is the statute of limitations for this crime?	There is no time limit for commencing legal proceedings against a perpetrator of this crime.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Miss. Code § 97-5-33.2. Citation for the statute of limitations: Miss. Code § 99-1-5.

Carnal knowledge of certain children (e.g., stepchildren and adopted child)

Question	Answer
What is the statute of limitations for this crime?	Legal proceedings against perpetrator must commence within two years after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Miss. Code § 97-5-41. 2. Citation for the statute of limitations: Miss. Code § 99-1-5.

Sex between teacher and pupil

Question	Answer
What is the statute of limitations for this crime?	Legal proceedings against perpetrator must commence within two years after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Miss. Code § 97-29-3. 2. Citation for the statute of limitations: Miss. Code § 99-1-5.

Incest

Question	Answer
What is the statute of limitations for this crime?	Legal proceedings against perpetrator must commence within two years after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Miss. Code § 97-29-5. 2. Citation for the statute of limitations: Miss. Code § 99-1-5.

Sex between guardian and ward

Question	Answer
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What is the statute of limitations for this crime?	Legal proceedings against perpetrator must commence within two years after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Miss. Code § 97-29-7. 2. Citation for the statute of limitations: Miss. Code § 99-1-5.

Incestuous marriages

Question	Answer
What is the statute of limitations for this crime?	Legal proceedings against perpetrator must commence within two years after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Miss. Code § 97-29-27. 2. Citation for the statute of limitations: Miss. Code § 99-1-5.

Indecent exposure

Question	Answer
What is the statute of limitations for this crime?	Legal proceedings against perpetrator must commence within two years after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Miss. Code § 97-29-31. 2. Citation for the statute of limitations: Miss. Code § 99-1-5.

Sodomy

Question	Answer
What is the statute of limitations for this crime?	Legal proceedings against perpetrator must commence within two years after the commission of the offense.

Statutory citation(s):	1. Citation for the crime: Miss. Code § 97-29-59. 2. Citation for the statute of limitations: Miss. Code § 99-1-5.
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Are there any exceptions to the statute of limitations laws?

Question	Answer
Exceptions	Miss. Code § 99-1-5: “Nothing contained in this section shall bar any prosecution against any person who shall abscond or flee from justice, or shall absent himself from this state or out of the jurisdiction of the court, or so conduct himself that he cannot be found by the officers of the law, or that process cannot be served upon him.”

Anything else I should know?

Question	Answer
Anything else I should know?	<ul style="list-style-type: none"> • <i>Crawford v. State</i>, 754 So. 2d 1211 (Miss. 2000) <ul style="list-style-type: none"> • Held that the term “rape” as used in § 99-1-5 is not unconstitutionally vague—the statute clearly excludes rape from a statute of limitations whether it is defined as rape or capital rape; where a small child is threatened with harm to himself or family if he tells about being raped, this tolls the rape limitations statute until the child is removed from the threatening environment. • <i>Morris v. State</i>, 595 So. 2d 840, 845 (Miss. 1991) <ul style="list-style-type: none"> • The sexual abuse of children has been recognized as a continuing course of conduct and the statute of limitations does not begin to run until such course of conduct terminates. • Where a small child is threatened with harm to himself or herself, or family, if he or she tells, the statute of limitations is tolled until the child is removed from the threatening environment. • Civil Actions: <ul style="list-style-type: none"> • Miss. Code § 15-1-49 Actions without prescribed period of limitation; actions involving latent injury or disease <ul style="list-style-type: none"> • All actions for which no other period of limitation is prescribed shall be commenced within 3 years next after the cause of such action accrued. • In actions for which no other period of limitation is prescribed and which involve latent injury or disease, the cause of action does not accrue until plaintiff has discovered, or by reasonable diligence should have discovered, the injury. • Miss. Code § 15-1-59 Person under disability of infancy or unsoundness of mind

- If any person entitled to bring any of the personal actions shall, at the time at which the cause of action accrued, be under the disability of infancy or unsoundness of mind, he may bring the actions within the times in this chapter respectively limited, after his disability shall be removed as provided by law. The saving in favor of persons under disability of unsoundness of mind shall never extend longer than 21 years. under disability of unsoundness of mind shall never extend longer than 21 years.