

# Criminal Statutes of Limitations Missouri

*Last Updated: March 2020*

## Sexual abuse, first degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"><li>1. If the crime involves a victim under 18 years of age, then legal proceedings may be commenced at any time; otherwise</li><li>2. Legal proceedings must commence within three years after commission of the offense.e.</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: Mo. Rev. Stat. § 566.100.</li><li>2. Citation for the statute of limitations: Mo. Rev. Stat. §§ 556.036, 556.037.</li></ol>

## Sexual abuse, second degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"><li>1. If the crime involves a victim under 18 years of age, then legal proceedings may be commenced at any time; otherwise</li><li>2. If the crime is an aggravated sexual offense, then it is a felony, and proceedings must commence within three years after commission of the offense; or</li><li>3. If the crime is not an aggravated sexual offense, then it is a misdemeanor, and proceedings must commence within one year after commission of the offense.</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: Mo. Rev. Stat. § 566.101.</li><li>2. Citation for the statute of limitations: Mo. Rev. Stat. §§ 556.036, 556.037.</li></ol>

## First degree rape and attempted first degree rape

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"> <li>1. Citation for the crime: Mo. Rev. Stat. § 566.030.</li> <li>2. Citation for the statute of limitations: Mo. Rev. Stat. § 556.036.</li> </ol>

### **Statutory rape and attempt to commit statutory rape, first degree**

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"> <li>1. Citation for the crime: Mo. Rev. Stat. § 566.032.</li> <li>2. Citation for the statute of limitations: Mo. Rev. Stat. § 556.037.</li> </ol>

### **Second degree rape**

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> <li>1. If the crime involves a victim under 18 years of age, then legal proceedings may be commenced at any time; otherwise</li> <li>2. Legal proceedings against a perpetrator of this crime must commence within three years after commission of the offense.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mo. Rev. Stat. § 566.032.</li> <li>2. Citation for the statute of limitations: Mo. Rev. Stat. § 556.037.</li> </ol>

### **Statutory rape, second degree**

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):	1. Citation for the crime: Mo. Rev. Stat. § 566.034. 2. Citation for the statute of limitations: Mo. Rev. Stat. § 556.037.

### **First degree sodomy**

Question	Answer
What is the statute of limitations for this crime?	There is no time limit to commence legal proceedings for this crime.
Statutory citation(s):	1. Citation for the crime: Mo. Rev. Stat. § 566.060. 2. Citation for the statute of limitations: Mo. Rev. Stat. § 556.036.

### **Second degree sodomy**

Question	Answer
What is the statute of limitations for this crime?	1. If the crime involves a victim under 18 years of age, then legal proceedings may be commenced at any time; otherwise 2. Legal proceedings must commence within three years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Mo. Rev. Stat. § 566.061. 2. Citation for the statute of limitations: Mo. Rev. Stat. §§ 556.036, 556.037.

### **Statutory sodomy, first degree**

Question	Answer
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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):	1. Citation for the crime: Mo. Rev. Stat. § 566.062. 2. Citation for the statute of limitations: Mo. Rev. Stat. § 556.037.

### **Statutory sodomy, second degree**

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):	1. Citation for the crime: Mo. Rev. Stat. § 566.064. 2. Citation for the statute of limitations: Mo. Rev. Stat. § 556.037.

### **Child molestation, first degree**

Question	Answer
What is the statute of limitations for this crime?	There is no time limit to commence legal proceedings for this crime.
Statutory citation(s):	1. Citation for the crime: Mo. Rev. Stat. § 566.067. 2. Citation for the statute of limitations: Mo. Rev. Stat. § 556.037.

### **Child molestation, second degree**

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"> <li>1. Citation for the crime: Mo. Rev. Stat. § 566.068.</li> <li>2. Citation for the statute of limitations: Mo. Rev. Stat. §§ 556.037, 589.400, 568.060.</li> </ol>
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### **Sexual misconduct involving a child**

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"> <li>1. Citation for the crime: Mo. Rev. Stat. § 566.083.</li> <li>2. Citation for the statute of limitations: Mo. Rev. Stat. §§ 556.037, 589.400, 568.060.</li> </ol>

### **Sexual contact with a student while on public school property**

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> <li>1. If the crime involves a victim under 18 years of age, then legal proceedings may be commenced at any time; otherwise</li> <li>2. Legal proceedings must commence within three years after commission of the offense.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mo. Rev. Stat. § 566.086.</li> <li>Citation for the statute of limitations: Mo. Rev. Stat. §§ 556.036, 556.037.</li> </ol>

### **Sexual misconduct, first degree, penalties**

Question	Answer
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What is the statute of limitations for this crime?	<ol style="list-style-type: none"> <li>1. If the crime involves a victim under 18 years of age, then legal proceedings may be commenced at any time; otherwise</li> <li>2. Legal proceedings must commence within one year after commission of the offense.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mo. Rev. Stat. § 566.093.</li> <li>2. Citation for the statute of limitations: Mo. Rev. Stat. §§ 556.036, 56.037.</li> </ol>

### **Sexual misconduct, second degree, penalties**

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> <li>1. If the crime involves a victim under 18 years of age, then legal proceedings may be commenced at any time; otherwise</li> <li>2. Legal proceedings must commence within one year after commission of the offense.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mo. Rev. Stat. § 566.095.</li> <li>2. Citation for the statute of limitations: Mo. Rev. Stat. §§ 556.036, 556.037.</li> </ol>

### **Sexual contact with prisoner or offender**

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> <li>1. If the crime involves a victim under 18 years of age, then legal proceedings may be commenced at any time; otherwise</li> <li>2. Legal proceedings must commence within three years after commission of the offense.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mo. Rev. Stat. § 566.145.</li> <li>2. Citation for the statute of limitations: Mo. Rev. Stat. §§ 556.036, 556.037.</li> </ol>

### **Enticement of a child, penalties**

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"> <li>1. Citation for the crime: Mo. Rev. Stat. § 566.151.</li> <li>2. Citation for the statute of limitations: Mo. Rev. Stat. § 556.037.</li> </ol>

### **Sexual trafficking of a child--penalty**

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"> <li>1. Citation for the crime: Mo. Rev. Stat. §§ 566.210 and 566.211.</li> <li>2. Citation for the statute of limitations: Mo. Rev. Stat. § 556.037.</li> </ol>

### **Incest**

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> <li>1. If the crime involves a victim under 18 years of age, then legal proceedings may be commenced; otherwise</li> <li>2. Legal proceedings must commence within three years after commission of the offense.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mo. Rev. Stat. § 568.020.</li> <li>2. Citation for the statute of limitations: Mo. Rev. Stat. §§ 556.036, 556.037.</li> </ol>

### **Genital mutilation of a female child, penalty—affirmative defenses**

Question	Answer
What is the statute of limitations for this crime?	There is no time limit to commence legal proceedings against a perpetrator of this crime.
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mo. Rev. Stat. § 573.200.</li> <li>2. Citation for the statute of limitations: Mo. Rev. Stat. §§ 556.0376, 556.03400(1)(2)7.</li> </ol>

### **Child used in sexual performance, penalties**

Question	Answer
What is the statute of limitations for this crime?	There is no time limit to commence legal proceedings for this crime.
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Mo. Rev. Stat. § 573.200.</li> <li>2. Citation for the statute of limitations: Mo. Rev. Stat. §§ 556.037, 556.0400(1)(2). Citation for the statute of limitations: Mo. Rev. Stat. § 556.036, 556.037.</li> </ol>

### **Promoting sexual performance by a child, penalties**

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"> <li>1. Citation for the crime: Mo. Rev. Stat. § 573.205.</li> <li>2. Citation for the statute of limitations: Mo. Rev. Stat. §§ 556.037, 556.0400(1)(2). Citation for the statute of limitations: Mo. Rev. Stat. § 556.036, 556.037.</li> </ol>

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



Question	Answer
Exceptions	Mo. Rev. Stat. § 556.037: Notwithstanding the provisions of § 556.036, prosecutions for unlawful sexual offenses involving a person 18 years of age or under may be commenced at any time.

## Anything else I should know?

Question	Answer
Anything else I should know?	<ul style="list-style-type: none"> <li>• Aggravated sexual offense, defined at Mo. Rev. Stat. § 566.010:</li> </ul> <p>(1) “<b>Aggravated sexual offense</b>”, any sexual offense, in the course of which, the actor:</p> <ul style="list-style-type: none"> <li>(a) Inflicts serious physical injury on the victim;</li> <li>(b) Displays a deadly weapon or dangerous instrument in a threatening manner;</li> <li>(c) Subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person;</li> <li>(d) Had previously been found guilty of an offense under this chapter or under section 573.200, child used in sexual performance; section 573.205, promoting sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography; or section 573.040, furnishing pornographic materials to minors; or has previously been found guilty of an offense in another jurisdiction which would constitute an offense under this chapter or said sections;</li> <li>(e) Commits the offense as part of an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity; or</li> <li>(f) Engages in the act that constitutes the offense with a person the actor knows to be, without regard to legitimacy, the actor's: <ul style="list-style-type: none"> <li>1. Ancestor or descendant by blood or adoption;</li> <li>2. Stepchild while the marriage creating that relationship exists;</li> <li>3. Brother or sister of the whole or half blood; or</li> <li>4. Uncle, aunt, nephew, or niece of the whole blood;</li> </ul> </li> </ul> <p>Mo. Rev. Stat. § 566.036(6), the period of limitation does not run:</p> <ul style="list-style-type: none"> <li>• (1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than 3 years;</li> </ul>

- (2) During any time when the accused is concealing himself from justice either within or without this state;
- (3) During any time when a prosecution against the accused for the offense is pending in this state;
- (4) During any time when the accused is found to lack mental fitness; or
  - *State v. Casaretto*, 818 S.W.2d 313, 316-17 (Mo. App. 1991)—New statute of limitations passed after event criminal defendant was charged with allegedly occurred, but before old limitations period had run, was procedural, and thus permissibly extended statutory period.
- (5) During any period of time after which a DNA profile is developed from evidence collected in relation to the commission of a crime and included in a published laboratory report until the date upon which the accused is identified by name based upon a match between that DNA evidence profile and the known DNA profile of the accused. For purposes of this section, the term “DNA profile” means the collective results of the DNA analysis of an evidence sample.
- Civil Actions: Mo. Rev. Stat. § 537.046 Childhood sexual abuse, injuries or illness defined—action for damages may be brought, when
  - Any action to recover damages from injury or illness caused by childhood sexual abuse in an action brought pursuant to this section shall be commenced within 10 years of the plaintiff attaining the age of 21 or within 3 years of the date the victim discovers, or reasonably should have discovered, that the injury or illness was caused by childhood sexual abuse, whichever later occurs.
  - This section applies to any action commenced on or after August 28, 2004, including any action that would have been barred by the application of the statute of limitation applicable prior to that date.
  - Mo. Rev. Stat. §§ 516.371 Limitation on civil action for damages for incest—10 year statute of limitations on any action for damages for person injury caused by an individual by a person within the third degree of affinity or consanguinity who subjects such individual to sexual contact.