

Criminal Statutes of Limitations

Montana

Last Updated: March 2020

Sexual assault

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. Legal proceedings against a perpetrator of this crime must commence within 10 years after commission of the offense for felony offenses; or2. If victim was under 18 at the time the offense occurred, a prosecution may be commenced at any time (applies to offenses after May 7, 2019).
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Mont. Code § 45-5-502.2. Citation for the statute of limitations: Mont. Code § 45-1-205.

Sexual intercourse without consent

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. Legal proceedings against a perpetrator of this crime must commence within 10 years after commission of the offense for felony offenses; or2. If victim was under 18 at the time the offense occurred, a prosecution may be commenced at any time (applies to offenses after May 7, 2019).
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Mont. Code § 45-5-503.2. Citation for the statute of limitations: Mont. Code § 45-1-205.

Aggravated sexual intercourse without consent

Question	Answer
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What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. A prosecution for a felony must be commenced within 5 years after it is committed 2. If victim was under 18 at the time the offense occurred, a prosecution may be commenced at any time (applies to offenses after May 7, 2019).
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Mont. Code § 45-5-508. 2. Citation for the statute of limitations: Mont. Code § 45-1-205.

Indecent exposure

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. Legal proceedings against a perpetrator of this crime must commence within 5 years after commission of the offense for felony offenses; or 2. If victim was under 18 at the time the offense occurred, a prosecution may be commenced at any time.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Mont. Code § 45-5-504. 2. Citation for the statute of limitations: Mont. Code § 45-1-205.

Deviate sexual conduct

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. Legal proceedings against a perpetrator of this crime must commence within five years after commission of the offense if a felony; or 2. If a misdemeanor, within one year after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Mont. Code § 45-8-218. 2. Citation for the statute of limitations: Mont. Code § 45-1-205.

Incest

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. If the victim is under 16 years of age and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing incest, then legal proceedings against a perpetrator of this crime must commence within 10 years after commission of the offense; or 2. If victim was under 18 at the time the offense occurred, a prosecution may be commenced at any time. 3. If committed against an adult, then legal proceedings must commence within 5 years.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Mont. Code § 45-5-507. 2. Citation for the statute of limitations: Mont. Code § 45-1-205.

Sexual abuse of children

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 the offense occurred, a prosecution may be commenced at any time.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Mont. Code § 45-5-625. 2. Citation for the statute of limitations: Mont. Code § 45-1-205.

Ritual abuse of minors

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 the offense occurred, a prosecution may be commenced at any time.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Mont. Code § 45-5-627. 2. Citation for the statute of limitations: Mont. Code § 45-1-205.

Promoting prostitution

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. Legal proceedings against a perpetrator of this crime must commence within 5 years after commission of the offense; or2. If victim was under 18 at the time the offense occurred, a prosecution may be commenced at any time.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Mont. Code § 45-5-6022. Citation for the statute of limitations: Mont. Code § 45-1-205.

Aggravated promotion of prostitution

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. Legal proceedings against a perpetrator of this crime must commence within 5 years after commission of the offense; or2. If victim was under 18 at the time the offense occurred, a prosecution may be commenced at any time.
Statutory citation(s):	<ul style="list-style-type: none">• Citation for the crime: Mont. Code § 45-5-603.• Citation for the statute of limitations: Mont. Code § 45-1-205.

Sexual servitude

Question	Answer
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What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. Legal proceedings against a perpetrator of this crime must commence within 5 years after commission of the offense; or 2. If victim was under 18 at the time the offense occurred, a prosecution may be commenced at any time.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Mont. Code § 45-5-704. 2. Citation for the statute of limitations: Mont. Code § 45-1-205.

Patronizing victim of sexual servitude

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. Legal proceedings against a perpetrator of this crime must commence within 5 years after commission of the offense; or 2. If victim was under 18 at the time the offense occurred, a prosecution may be commenced at any time.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Mont. Code § 45-5-705. 2. Citation for the statute of limitations: Mont. Code § 45-1-205.

Are there any exceptions to the statute of limitations laws?

Question	Answer
Exceptions	<ul style="list-style-type: none"> • Mont. Code § 45-1-205 General time limitations • (9) If a suspect is conclusively identified by DNA testing after a time period prescribed in subsection (1)(b) (<i>i.e.</i>, 10 years after the commission of the offense) has expired, a prosecution may be commenced within one year after the suspect is conclusively identified by DNA testing.

Anything else I should know?

Question	Answer
Anything else I should know?	<ul style="list-style-type: none"> • Except as otherwise provided by law, prosecutions for other offenses are subject to the following periods of limitation: <ul style="list-style-type: none"> • For a felony, the prosecution must be commenced within 5 years after it is committed. • For a misdemeanor the prosecution must be commenced within 1 year after it is committed. • Civil Actions <ul style="list-style-type: none"> • Mont. Code § 27-2-216 Tort actions—childhood sexual abuse <ul style="list-style-type: none"> • An action based on intentional conduct brought by a person for recovery of damages for injury suffered as a result of childhood sexual abuse against the individual who committed the acts (<i>i.e.</i>, any act committed against a plaintiff who was less than 18 years of age and that would have been a violation of §45-5-502, 45-5-503, 45-5-504, 45-5-507, 45-5-508, 45-5-602, 45-5-603, 45-5-625, 45-5-627, 45-5-704 or 45-5-705) must be commenced (1) before the victim of the act of childhood sexual abuse that is alleged to have caused the injury reaches 27 years of age; or (2) not later than three years after the plaintiff discovers or reasonably should have discovered that the injury was caused by the act of childhood sexual abuse. <ul style="list-style-type: none"> • Exception: A claim for damages described in the paragraph above that would otherwise be barred because the applicable statute of limitations has expired may be commenced within 1 year of May 7, 2019 if the individual who committed the act of childhood sexual abuse against the plaintiff is alive at the time the action proceeds or is commenced and: (1) has admitted to the commission of such act against the plaintiff in either a written and signed statement or a statement recorded by audio or video; or (2) (i) has made one or more statements admitting to the commission of such act against the plaintiff under oath or in a plea agreement; or (ii) has been convicted of an offense of “childhood sexual abuse” in which the plaintiff was the victim. • An action for recovery of damages for liability against any entity that owed a duty of care to the plaintiff, where a wrongful or negligent act by an employee, officer, director, official, volunteer, representative, or agent of the entity was a legal cause of the childhood sexual abuse that resulted in the injury to the plaintiff, the action must be commenced: (1) before the victim of the act of childhood sexual abuse that is alleged to have caused the injury reaches 27 years of age; or (2) not later than 3 years after the plaintiff discovers or reasonably should have discovered that the injury was caused by the act of childhood sexual abuse. <ul style="list-style-type: none"> • Exception: (a) A claim for damages described in the paragraph above that would otherwise be barred because the applicable statute of limitations has expired must be revived if the court concludes that the entity against whom the action is commenced, based upon documents or admissions by employees, officers, directors, officials, volunteers, representatives, or agents of the entity, knew, had reason to know, or was otherwise on notice of any unlawful sexual conduct by an employee, officer, director, official, volunteer, representative, or agent and failed to take reasonable steps to prevent future acts of unlawful sexual conduct. (b) A cause of action in which allegations described in (a) above are made but that would otherwise be barred by the statute of limitations in the paragraph above may be commenced within 1 year of May 7, 2019.

- **Period of Limitations**^[1]: Mont. Code § 45-1-206 Periods excluded from limitation. The period of limitation does not run during:
 - (1) any period in which the offender is not usually and publicly resident within the state or is beyond the jurisdiction of the state; . . . ; o
 - (3) a prosecution pending against the offender for the same conduct, even if the indictment, complaint, or information that commences the prosecution is dismissed.
- *Tipton v. Montana Thirteenth Judicial District Court*, 421 P.3d 780 (Mont. 2018)
 - The statute permitting a prosecution for certain sex offenses to “be commenced within 1 year after the suspect is conclusively identified by DNA testing” if the suspect is so identified after the expiration of the limitations period violates the Ex Post Facto Clauses of the United States and Montana Constitutions when applied to cases in which the limitations period expired before the statute came into effect.
- § 45-1-205 is effective since May 7, 2019. Statutory changes are subject to classification and revision by the Code Commissioner.

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Note: § 27-2-217 has been repealed by Laws 2019, ch. 367, § 10, eff. May 7, 2019.