

# Criminal Statutes of Limitations

## New York

*Last Updated: April 2023*

### Sexual misconduct

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class A misdemeanor.  <ol style="list-style-type: none"><li>1. A criminal action against the perpetrator of this crime must commence within two years after commission of the offense; and</li><li>2. If against a victim that was under 18 at the time of commission of the offense, the period of limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier.</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: N.Y. Penal Law § 130.20.</li><li>2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.</li></ol>

### Rape, third degree

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class E felony.  <ol style="list-style-type: none"><li>1. A criminal action against the perpetrator of this crime must commence within ten years after commission of the offense; and</li><li>2. If against a victim that was under 18 at the time of commission of the offense, the period of limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier.</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: N.Y. Penal Law § 130.25.</li><li>2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.</li></ol>

## Rape, second degree

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class D felony. <ol style="list-style-type: none"><li>1. Criminal action against the perpetrator of this crime must commence within twenty years after commission of the offense or within ten years from when the offense is first reported to law enforcement, whichever occurs earlier; and</li><li>2. If against a victim that was under 18 at the time of commission of the offense, the period of limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier.</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: N.Y. Penal Law § 130.30.</li><li>2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.</li></ol>

## Rape, first degree

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class B felony. <ol style="list-style-type: none"><li>1. There is no time limit to commence a criminal action against the perpetrator of this crime.</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: N.Y. Penal Law § 130.35.</li><li>2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.</li></ol>

## Criminal sexual act, third degree

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class E felony.</p> <ol style="list-style-type: none"> <li>1. Criminal action against the perpetrator of this crime must commence within ten years after commission of the offense; and</li> <li>2. If against a victim that was under 18 at the time of commission of the offense, the period of limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: N.Y. Penal Law § 130.40.</li> <li>2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.</li> </ol>

### **Criminal sexual act, second degree**

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class D felony.</p> <ol style="list-style-type: none"> <li>1. Criminal action against the perpetrator of this crime must commence within twenty years after commission of the offense or within ten years from when the offense is first reported to law enforcement, whichever occurs earlier; and</li> <li>2. If against a victim that was under 18 at the time of commission of the offense, the period of limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: N.Y. Penal Law § 130.45.</li> <li>2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.</li> </ol>

### **Criminal sexual act, first degree**

Question	Answer
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What is the statute of limitations for this crime?	This crime is a Class B felony.  1. There is no time limit to commence a criminal action against the perpetrator of this crime.
Statutory citation(s):	1. Citation for the crime: N.Y. Penal Law § 130.50. 2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.

## Forcible touching

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class A misdemeanor.  1. A criminal action against the perpetrator of this crime must commence within two years after commission of the offense; and 2. If against a victim that was under 18 at the time of commission of the offense, the period of limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier.
Statutory citation(s):	1. Citation for the crime: N.Y. Penal Law § 130.52. 2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.

## Persistent sexual abuse

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class E felony.  1. A criminal action against the perpetrator of this crime must commence within five years after commission of the offense; and 2. If against a victim that was under 18 at the time of commission of the offense, the period of limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier.

Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: N.Y. Penal Law § 130.53.</li> <li>2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.</li> </ol>
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### **Sexual abuse, third degree**

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class B misdemeanor.</p> <ol style="list-style-type: none"> <li>1. A criminal action against the perpetrator of this crime must commence within two years after commission of the offense; and</li> <li>2. If against a victim that was under 18 at the time of commission of the offense, the period of limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier.</li> </ol>

Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: N.Y. Penal Law § 130.55.</li> <li>2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.</li> </ol>
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### **Sexual abuse, second degree**

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class A misdemeanor.</p> <ol style="list-style-type: none"> <li>1. A criminal action against the perpetrator of this crime must commence within two years after commission of the offense; and</li> <li>2. If against a victim that was under 18 at the time of commission of the offense, the period of limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier.</li> </ol>

Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: N.Y. Penal Law § 130.60.</li> <li>2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.</li> </ol>
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## Sexual abuse, first degree

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class D felony. <ol style="list-style-type: none"><li>1. A criminal action against the perpetrator of this crime must commence within five years after commission of the offense; and</li><li>2. If against a victim that was under 18 at the time of commission of the offense, the period of limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier.</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: N.Y. Penal Law § 130.65.</li><li>2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.</li></ol>

## Aggravated sexual abuse, fourth degree

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class E felony. <ol style="list-style-type: none"><li>1. A criminal action against the perpetrator of this crime must commence within five years after commission of the offense; and</li><li>2. If against a victim that was under 18 at the time of commission of the offense, the period of limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier.</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: N.Y. Penal Law § 130.65-a.</li><li>2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.</li></ol>

## Aggravated sexual abuse, third degree

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class D felony. <ol style="list-style-type: none"><li>1. A criminal action against the perpetrator of this crime must commence within five years after commission of the offense; and</li><li>2. If against a victim that was under 18 at the time of commission of the offense, the period of limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier [for offenses committed after September 18, 2019, otherwise time tolls until age 18].</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: N.Y. Penal Law § 130.66.</li><li>2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.</li></ol>

## Aggravated sexual abuse, second degree

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class C felony. <ol style="list-style-type: none"><li>1. A criminal action against the perpetrator of this crime must commence within five years after commission of the offense; and</li><li>2. If against a victim that was under 18 at the time of commission of the offense, the period of limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier [for offenses committed after September 18, 2019, otherwise time tolls until age 18].</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: N.Y. Penal Law § 130.67.</li><li>2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.</li></ol>

## Aggravated sexual abuse, first degree

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class B felony.  1. There is no time limit to commence a criminal action against the perpetrator of this crime.
Statutory citation(s):	1. Citation for the crime: N.Y. Penal Law § 130.70. 2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.

## Course of sexual conduct against a child, second degree

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class D felony.  1. A criminal action against the perpetrator of this crime must commence within five years after commission of the most recent act of sexual conduct; and 2. If against a victim that was under 18 at the time of commission of the offense, the period of limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier [for offenses committed after September 18, 2019, otherwise time tolls until age 18].
Statutory citation(s):	1. Citation for the crime: N.Y. Penal Law § 130.80. 2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.

## Course of sexual conduct against a child, first degree

Question	Answer
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What is the statute of limitations for this crime?	This crime is a Class B felony.  1. There is no time limit to commence a criminal action against the perpetrator of this crime.
Statutory citation(s):	1. Citation for the crime: N.Y. Penal Law § 130.75. 2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.

## Female genital mutilation

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class E felony.  1. A criminal action against the perpetrator of this crime must commence within five years after commission of the offense; and 2. If against a victim that was under 18 at the time of commission of the offense, the period of limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier [for offenses committed after September 18, 2019, otherwise time tolls until age 18].
Statutory citation(s):	1. Citation for the crime: N.Y. Penal Law § 130.85. 2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.

## Facilitating a sex offense with a controlled substance

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class D felony.  1. A criminal action against the perpetrator of this crime must commence within five years after commission of the offense; and 2. If against a victim that was under 18 at the time of commission of the offense, the period of limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier [for offenses committed after September 18, 2019, otherwise time tolls until age 18].

Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: N.Y. Penal Law § 130.90.</li> <li>2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.</li> </ol>
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## Sexually motivated felony

Question	Answer
What is the statute of limitations for this crime?	<p>A felony, as further defined by the specified offenses in the statute.</p> <ol style="list-style-type: none"> <li>1. A criminal action against the perpetrator of this crime must commence within five years after commission of the offense; and</li> <li>2. If against a victim that was under 18 at the time of commission of the offense, the period of limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier [for offenses committed after September 18, 2019, otherwise time tolls until age 18].</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: N.Y. Penal Law § 130.91.</li> <li>2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.</li> </ol>

## Predatory sexual assault

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class A-II felony.</p> <ol style="list-style-type: none"> <li>1. There is no time limit to commence a criminal action against the perpetrator of this crime.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: N.Y. Penal Law § 130.95.</li> <li>2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.</li> </ol>

## Predatory sexual assault against a child

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class A-II felony.  1. There is no time limit to commence a criminal action against the perpetrator of this crime.
Statutory citation(s):	1. Citation for the crime: N.Y. Penal Law § 130.96. 2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.

### Incest, third degree

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class E felony.  1. A criminal action against the perpetrator of this crime must commence within five years after commission of the offense; and 2. If against a victim that was under 18 at the time of commission of the offense, the period of limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier [for offenses committed after September 18, 2019, otherwise time tolls until age 18].
Statutory citation(s):	1. Citation for the crime: N.Y. Penal Law § 255.25. 2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.

### Incest, second degree

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class D felony.  1. A criminal action against the perpetrator of this crime must commence within twenty years after commission of the offense or within ten years from when the offense is first reported to law enforcement, whichever occurs earlier; and 2. If against a victim that was under 18 at the time of commission of the offense, the period of

	limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier.
Statutory citation(s):	1. Citation for the crime: N.Y. Penal Law § 255.26. 2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.

## Incest, first degree

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class B felony.  1. A criminal action against the perpetrator of this crime may be commenced at any time.
Statutory citation(s):	1. Citation for the crime: N.Y. Penal Law § 255.27. 2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.

## Use of a child in a sexual performance

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class C felony.  1. A criminal action against the perpetrator of this crime must commence within five years after commission of the offense; and 2. If against a victim that was under 18 at the time of commission of the offense, the period of limitations does not begin to run until victim has reached the age of 23 or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier.
Statutory citation(s):	1. Citation for the crime: N.Y. Penal Law § 263.05. 2. Citation for the statute of limitations: N.Y. Crim. Proc. Law § 30.10.

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

Question	Answer
Exceptions	<ul style="list-style-type: none"> <li>• <i>People v. Harrison</i>, 803 N.Y.S.2d 5 (N.Y. App. Div. 2005) (relying on N.Y. Crim. Proc. Law § 30.10(4)(a)) (tolling the statute of limitations because defendant's whereabouts "were continuously unknown and continuously unascertainable by the exercise of reasonable diligence" inasmuch as it was impossible to identify a suspect until arrival of recent advances in DNA technology).</li> <li>• <i>People v. Brown</i>, 890 N.Y.S.2d 415 (N.Y. 2009) (statute of limitations following commission of sodomy offense was tolled and excluded from five year statute of limitations until defendant's DNA profile from victim's rape kit was matched to DNA evidence).</li> <li>• <i>People v. Ramos</i>, 877 N.Y.S.2d 177 (N.Y. App. Div. 2009) (tolling five year statute of limitations where whereabouts of rape and robbery suspect were continuously unknown and unascertainable by exercise of reasonable diligence until nearly ten years later when suspect's DNA profile was matched to DNA evidence taken from him prior to incarceration).</li> <li>• <i>People v. Bradberry</i>, 891 N.Y.S.2d 850 (N.Y. App. Div. 2009) (tolling statute of limitations for bringing first degree rape and second degree burglary charges until eight years later when suspect was convicted of an unrelated crime and a DNA match was made).</li> <li>• <i>People v. Sigl</i>, 967 N.Y.S.2d 570 (N.Y. App. Div. 2013) (tolling statute of limitations for indictment charging defendant with burglary in the first degree and sodomy in the first degree where whereabouts of suspect were continuously unknown and unascertainable by exercise of reasonable diligence until a year later when a DNA match was made).</li> <li>• <i>People v. Burroughs</i>, 968 N.Y.S.2d 773 (N.Y. App. Div. 2013) (refusing to toll statute of limitations for sodomy in the first and third degrees and for rape in the third degree because the offender's DNA profile had been in the statewide databank since 1998, and the prosecution failed to offer an explanation as to why offender's identity was not ascertained sooner by the exercise of reasonable diligence, especially since the perpetrator's DNA was entered into the databank in 2003).</li> <li>• <i>People v. Vega</i>, 983 N.Y.S.2d 30 (N.Y. App. Div. 2014) (applicable statute of limitations for rape in the first degree was tolled because defendant's identity and whereabouts were unknown and were unascertainable by the exercise of reasonable diligence).</li> <li>• <i>People v. Gardner</i>, 65 N.Y.S.3d 492 (N.Y. Sup. Ct. 2017) (tolling statute of limitations for first degree rape while defendant was out of state and his whereabouts were continuously unknown, and until a DNA match was made).</li> <li>• <i>People v. Giardala</i>, 86 N.Y.S.3d 56 (N.Y. App. Div. 2018) (applicable statute of limitations for rape in the first degree, among other sexual offenses, was tolled because defendant's identity and whereabouts were unknown and were unascertainable by the exercise of reasonable diligence. Defendant's constitutional rights regarding a speedy trial were not infringed because any prosecution delays were caused by lack of advances at the time in DNA science and DNA evidence eventually conclusively established defendant's guilt).</li> </ul>

- *People v. Cruciani*, 92 N.Y.S.3d 611 (N.Y. Sup. Ct. 2019) (five year statute of limitations for rape in the third degree and third degree criminal sexual act was tolled while defendant was out of state).
- *People v. Weinstein*, 170 N.Y.S.3d 33 (N.Y. Sup. Ct., App. Div. 2022) (five year statute of limitations for rape was tolled while defendant was out of state, and the toll applies to residents and nonresidents).

## Anything else I should know?

Question	Answer
Anything else I should know?	<ul style="list-style-type: none"> <li>• Statute of limitations tolled (N.Y. Crim. Proc. Law § 30.10(4)):               <ul style="list-style-type: none"> <li>• 4(a) during any period following the commission of the offense in which (i) the defendant was continuously outside this state or (ii) the whereabouts of the defendant were continuously unknown and unascertainable by the exercise of reasonable diligence (however, the period of limitation shall not be extended by more than 5 years beyond the otherwise applicable limitations period); or</li> <li>• 4(b) when a prosecution is commenced within the prescribed period of limitation and when an accusatory instrument upon which such prosecution is based is dismissed by a court under directions or circumstances permitting the lodging of another charge for the same offense or an offense based on the same conduct, the period of limitations is tolled during the period extending from the commencement of the defeated prosecution to the dismissal of the accusatory instrument.</li> </ul> </li> </ul>