

Criminal Statutes of Limitations Oregon

Last Updated: March 2020

Rape, third degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. Prosecution against the perpetrator of this crime must commence within six years after commission of the offense; or2. If victim was under 18 at the time of commission of the offense, any time before victim reaches 30 or within 12 years after offense is reported to a law enforcement agency or the Department of Human Services, whichever occurs first.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Or. Rev. Stat. § 163.355.2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Rape, second degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. Prosecution against the perpetrator of this crime must commence within six years after commission of the offense; or2. If victim was under 18 at the time of commission of the offense, any time before victim reaches 30 or within 12 years after offense is reported to a law enforcement agency or the Department of Human Services, whichever occurs first.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Or. Rev. Stat. § 163.365.2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Rape, first degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. Prosecution against the perpetrator of this crime must commence within twelve years after commission of the offense; or 2. If victim was under 18 at the time of commission of the offense, any time before victim reaches 30.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Or. Rev. Stat. § 163.375. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Sodomy, third degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. Prosecution against the perpetrator of this crime must commence within six years after commission of the offense; or 2. If victim was under 18 at the time of commission of the offense, any time before victim reaches 30 or within 12 years after offense is reported to a law enforcement agency or the Department of Human Services, whichever occurs first.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Or. Rev. Stat. § 163.385. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Sodomy, second degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. Prosecution against the perpetrator of this crime must commence within six years after commission of the offense; or 2. If victim was under 18 at the time of commission of the offense, any time before victim reaches 30 or within 12 years after offense is reported to a law enforcement agency or the Department of Human Services, whichever occurs first.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Or. Rev. Stat. § 163.395. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Sodomy, first degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. Prosecution against the perpetrator of this crime must commence within twelve years after commission of the offense; or2. If victim was under 18 at the time of commission of the offense, any time before victim reaches 30.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Or. Rev. Stat. § 163.405.2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Unlawful sexual penetration, second degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. Prosecution against the perpetrator of this crime must commence within six years after commission of the offense; or2. If victim was under 18 at the time of commission of the offense, any time before victim reaches 30 or within 12 years after offense is reported to a law enforcement agency or the Department of Human Services, whichever occurs first.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Or. Rev. Stat. § 163.408.2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Unlawful sexual penetration, first degree

Question	Answer
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What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. Prosecution against the perpetrator of this crime must commence within twelve years after commission of the offense; or 2. If victim was under 18 at the time of commission of the offense, any time before victim reaches 30.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Or. Rev. Stat. § 163.411. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Purchasing sex with a minor

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. Prosecution against the perpetrator of this crime must commence within three years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Or. Rev. Stat. § 163.413. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Sexual abuse, third degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. Prosecution against the perpetrator of this crime must commence within four years after commission of the offense; or 2. If victim was under 18 at the time of commission of the offense, any time before victim reaches 22 or within four years after offense is reported to a law enforcement agency or the Department of Human Services, whichever occurs first.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Or. Rev. Stat. § 163.415. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Sexual abuse, second degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. Prosecution against the perpetrator of this crime must commence within six years after commission of the offense; or 2. If victim was under 18 at the time of commission of the offense, any time before victim reaches 30 or within 12 years after offense is reported to a law enforcement agency or the Department of Human Services, whichever occurs first.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Or. Rev. Stat. § 163.425. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Sexual abuse, first degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. Prosecution against the perpetrator of this crime must commence within twelve years after commission of the offense; or 2. If victim was under 18 at the time of commission of the offense, any time before victim reaches 30.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Or. Rev. Stat. § 163.427. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Online sexual corruption of a child, second degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. Prosecution against the perpetrator of this crime must commence within three years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Or. Rev. Stat. § 163.432. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Online sexual corruption of a child, first degree

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution against the perpetrator of this crime must commence within three years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Or. Rev. Stat. § 163.433. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Contributing to the sexual delinquency of a minor

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution against the perpetrator of this crime must commence within two years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Or. Rev. Stat. § 163.435. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Sexual misconduct

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution against the perpetrator of this crime must commence within two years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Or. Rev. Stat. § 163.445. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Custodial sexual misconduct, first degree

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution against the perpetrator of this crime must commence within three years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Or. Rev. Stat. § 163.452. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Custodial sexual misconduct, second degree

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution against the perpetrator of this crime must commence within two years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Or. Rev. Stat. § 163.454. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Public indecency

Question	Answer
What is the statute of limitations for this crime?	The statute of limitations depends on the classification of the crime. 1. If a felony, within three years after commission of the offense; or 2. If a misdemeanor, within two years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Or. Rev. Stat. § 163.465. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Private indecency

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution against the perpetrator of this crime must commence within two years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Or. Rev. Stat. § 163.467. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Unlawful dissemination of an intimate image

Question	Answer
What is the statute of limitations for this crime?	The statute of limitations depends on the classification of the crime. 1. If a felony, within three years after commission of the offense; or 2. If a misdemeanor, within two years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Or. Rev. Stat. § 163.472. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Unlawfully being in a location where children regularly congregate

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution against the perpetrator of this crime must commence within two years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Or. Rev. Stat. § 163.476. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Unlawful contact with a child

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution against the perpetrator of this crime must commence within three years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Or. Rev. Stat. § 163.479. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Incest

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution against the perpetrator of this crime must commence within six years after commission of the offense; or 2. If victim was under 18 at the time of commission of the offense, any time before victim reaches 30 or within 12 years after offense is reported to a law enforcement agency or the Department of Human Services, whichever occurs first.
Statutory citation(s):	1. Citation for the crime: Or. Rev. Stat. § 163.525. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Using child in display of sexually explicit conduct

Question	Answer
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What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. Prosecution against the perpetrator of this crime must commence within six years after commission of the offense; or 2. If victim was under 18 at the time of commission of the offense, any time before victim reaches 30 or within 12 years after offense is reported to a law enforcement agency or the Department of Human Services, whichever occurs first.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Or. Rev. Stat. § 163.670. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Encouraging child sexual abuse, first degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. Prosecution against the perpetrator of this crime must commence within six years after commission of the offense; or 2. If victim was under 18 at the time of commission of the offense, any time before victim reaches 30 or within 12 years after offense is reported to a law enforcement agency or the Department of Human Services, whichever occurs first.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Or. Rev. Stat. § 163.684. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Encouraging child sexual abuse, second degree

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. Prosecution against the perpetrator of this crime must commence within three years after commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Or. Rev. Stat. § 163.686. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Encouraging child sexual abuse, third degree

Question	Answer
What is the statute of limitations for this crime?	1. Prosecution against the perpetrator of this crime must commence within two years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Or. Rev. Stat. § 163.687. 2. Citation for the statute of limitations: Or. Rev. Stat. § 131.125.

Are there any exceptions to the statute of limitations laws?

Question	Answer
Exceptions	<ul style="list-style-type: none"> • Or. Rev. Stat. § 131.125 Limitation periods for certain crimes: <ul style="list-style-type: none"> • 9(b) – If the period described in § 131.125(8) has expired, a prosecution nevertheless may be commenced as follows: . . . (b) If the offense is based upon misconduct in office by a public officer or employee, prosecution may be commenced at any time while the defendant is in public office or employment or within two years thereafter, but in no case shall the period of limitation otherwise applicable be extended by more than three years. • (10) - If the defendant is identified after the period described in 131.125(2) or (3) on the basis of DNA (deoxyribonucleic acid) sample comparisons, a prosecution for: <ul style="list-style-type: none"> • Rape in the first degree, sodomy in the first degree, unlawful sexual penetration in the first degree or sexual abuse in the first degree may be commenced at any time after the commission of the crime. • Rape in the second degree, sodomy in the second degree or unlawful sexual penetration in the second degree may be commenced within 25 years after the commission of the crime. • (11) Notwithstanding § 131.125(10), if a prosecution for a felony listed in that subsection would otherwise be barred by § 131.125(2) or (3), the prosecution must be commenced within two years of the DNA-based identification of the defendant. • (12) Notwithstanding § 131.125(2), if a prosecuting attorney obtains corroborating evidence of the crimes of rape in the first degree, sodomy in the first degree, unlawful sexual penetration in the first degree, or sexual abuse in the first degree, after the period described in § 131.125(2), the prosecution may be

commenced at any time after the commission of the crime. The corroborating evidence described must consist of one of the following:

1. Physical evidence other than a DNA sample, including but not limited to audio, video or other electronic recordings, text messages, guest book logs, telephone recordings and photographs.
2. A confession, made by the defendant, to the crime the victim reported.
3. An oral statement, made by the victim to another person in temporal proximity to the commission of the crime, corroborating the victim's report of the crime to a law enforcement agency.
4. A written statement, created by the victim in temporal proximity to the commission of the crime and subsequently delivered to another person or to a law enforcement agency, corroborating the victim's report of the crime to a law enforcement agency.
5. A report made by a different victim to a law enforcement agency, made either before or after the victim's report, alleging that the defendant committed another crime of the same or similar character such that the two crimes could be charged in the same charging instrument.

Anything else I should know?

Question	Answer
Anything else I should know?	<ul style="list-style-type: none"> • Or. Rev. Stat. § 131.145 When time starts; tolling <ul style="list-style-type: none"> • The period of limitation does not run during: <ul style="list-style-type: none"> • Any time when the accused is not an inhabitant of or usually resident within this state; or • Any time when the accused hides within the state so as to prevent process being served upon the accused; or • If, when the offense is committed, the accused is out of the state, the action may be commenced within the time provided in Or. Rev. Stat. § 131.125, after the coming of the accused into the state. • Or. Rev. Stat. § 131.155 Maximum tolling period <ul style="list-style-type: none"> • Notwithstanding ORS 131.145, in no case shall the period of limitation otherwise applicable be extended by more than three years. • <i>State of Oregon v. Eladem</i>, 414 P.3d 426 (Or. Ct. App. 2018): <ul style="list-style-type: none"> • Information transmitted to the Department of Human Services and local police 13 years before defendant was indicted did not constitute a “report” by the 8-year old victim under the applicable statute of limitations and thus did not trigger the 12 year statute of limitations for first degree rape. • <i>State of Oregon v. Stokes</i>, 248 P.3d 953 (Or. 2011): <ul style="list-style-type: none"> • Statute of limitations for sodomy and first and second degree sexual abuse for an adult is six years. In this case, the limitation period was tolled while defendant was in custody in another state. Since the maximum time that a statute of limitations may be tolled is three years, in this case the practical result

was a nine-year statute of limitations.

- *Hall v. Lampert*, 100 P.3d 1138, 1144 (Or. Ct. App. 2004):
 - Where statute of limitations for a sexual offense is triggered by a report to law enforcement of an instance of sexual abuse, reporting such instance does not trigger the statute of limitations for all other instances of the same offense (citing *State v. Hutchison*, 31 P.3d 1123 (Or. Ct. App. 2001)).
- *State v. Hutchison*, 31 P.3d 1123 (Or. Ct. App. 2001):
 - Victim's report of single incident of sexual contact with defendant did not trigger six-year statute of limitations with respect to other incidents, and statute of limitations with respect to other incidents began to run on date such offenses were reported.