

Criminal Statutes of Limitations

Utah

Last Updated: March 2020

Unlawful sexual activity with a minor

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a:</p> <ol style="list-style-type: none"> 1. Felony; or 2. Misdemeanor if the offender is less than 4 years older than the minor victim at the time the sexual activity occurred. <p>The time limit depends on the type of crime:</p> <ol style="list-style-type: none"> 1. Within 4 years after commission of the offense when it is a felony; or 2. Within 2 years after commission of the offense when it is a misdemeanor. However, if at the time of the offense the actor is over 18, held a position of special trust as at teacher or volunteer at a school, and committed the offense against an individual who at the time of the offense was enrolled as a student where the actor was employed or volunteered, the time limit is 4 years.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Utah Code Ann. § 76-5-401. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-302, § 76-3-203.13

Sexual abuse of a minor

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. The time limit is within 2 years after commission of the offense. 2. However, if at the time of the offense the actor is over 18, held a position of special trust as at teacher or volunteer at a school, and committed the offense against an individual who at the time of the offense was enrolled as a student where the actor was employed or volunteered, the time limit is 4 years.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Utah Code Ann. § 76-5-401.1. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-302, § 76-3-203.13.

Unlawful sexual conduct with a 16 or 17 year old

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a :</p> <ol style="list-style-type: none"> 1. Felony: unless the sexual conduct at issue is that: the offender touches the anus, buttocks, or any part of the genitals of the minor, or touches the breast of a female minor, or otherwise takes indecent liberties with the minor, or causes the minor to take indecent liberties with the offender or another person, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person regardless of the sex of any participant, in which case the offense is a misdemeanor. However, although designated as a misdemeanor, this conduct is classified as a felony if at the time of the offense the actor is over 18, held a position of special trust as at teacher or volunteer at a school, and committed the offense against an individual who at the time of the offense was enrolled as a student where the actor was employed or volunteered, the time limit is 4 years. <p>The time limit depends on the type of crime:</p> <ol style="list-style-type: none"> 1. Within 4 years after commission of the offense when it is a felony; or 2. Within 2 years after commission of the offense when it is a misdemeanor.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Utah Code Ann. § 76-5-401.2. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-302, § 76-3-203.13.

Unlawful adolescent sexual activity

Question	Answer
What is the statute of limitations for this crime?	<p>The time limit depends on the type of crime:</p> <ol style="list-style-type: none"> 1. Within 4 years after commission of the offense when it is a felony; or 2. Within 2 years after commission of the offense when it is a misdemeanor.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Utah Code Ann. § 76-5-401.3. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-302

Rape

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit for this crime.
Statutory citation(s):	1. Citation for the crime: Utah Code Ann. § 76-5-402. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-301

Rape of a child under 14

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit for this crime.
Statutory citation(s):	1. Citation for the crime: Utah Code Ann. § 76-5-402.1. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-301.

Object rape of a person 14 and older

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit for this crime.
Statutory citation(s):	1. Citation for the crime: Utah Code Ann. § 76-5-402.2. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-301.

Object rape of a child

Question	Answer
What is the statute of limitations for this crime?	1. There is no limit for this crime.
Statutory citation(s):	1. Citation for the crime: Utah Code Ann. § 76-5-402.3. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-301.

Forcible sodomy

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit for forcible sodomy.
Statutory citation(s):	1. Citation for the crime: Utah Code Ann. § 76-5-403. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-301.

Sodomy on a child

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit for this crime.
Statutory citation(s):	1. Citation for the crime: Utah Code Ann. § 76-5-403.1. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-301.

Forcible sexual abuse

Question	Answer
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What is the statute of limitations for this crime?	1. The time limit is within 8 years after the commission of the offense, provided that the offense was reported to a law enforcement agency within 4 years after the commission of the offense, otherwise the time limit is 4years.
Statutory citation(s):	1. Citation for the crime: Utah Code Ann. § 76-5-404. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-302.

Sexual abuse of a child; aggravated sexual abuse of a child

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit for this crime.
Statutory citation(s):	1. Citation for the crime: Utah Code Ann. § 76-5-404.1. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-301.

Aggravated sexual assault

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit for this crime.
Statutory citation(s):	1. Citation for the crime: Utah Code Ann. § 76-5-405. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-301.

Custodial sexual relations; custodial sexual misconduct

Question	Answer
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What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. The time limit is within 4 years after the commission of the offense. 2. However, if the actor knows or should have known that the victim is in custody, and the conduct does not otherwise constitute a felony, but involves touching of the buttocks, anus, any part of the genitals, the breasts of a female, taking indecent liberties or causing a person in custody to take indecent liberties with the actor or another person, then the time limit is within 2 years after the commission of the offense, unless the victim is under 18, in which case the time limit is still 4 years.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Utah Code Ann. § 76-5-412. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-302.

Custodial sexual relations or misconduct with youth receiving state services

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. The time limit is within 4 years after the commission of the offense. However, if the actor knows or should have known that the victim is a youth receiving state services, and the conduct does not otherwise constitute a felony, but involves touching of the buttocks, anus, any part of the genitals, the breasts of a female, taking indecent liberties or causing a person in custody to take indecent liberties with the actor or another person, then the time limit is within 2 years after the commission of the offense, unless the victim is under 18, in which case the time limit is still 4 years.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Utah Code Ann. § 76-5-413. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-302.

Sexual exploitation of a minor

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> 1. The time limit is within 4 years after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Utah Code Ann. § 76-5b-201. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-302.

Sexual exploitation of a vulnerable adult

Question	Answer
What is the statute of limitations for this crime?	<p>Note: "Vulnerable adult" means an elder adult, or an adult 18 years of age or older who has a mental or physical impairment which substantially affects that person's ability to: (i) provide personal protection; (ii) provide necessities such as food, shelter, clothing, or medical or other health care; (iii) obtain services necessary for health, safety, or welfare; (iv) carry out the activities of daily living; (v) manage the adult's own resources; or (vi) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.</p> <p>1. The time limit is within 4 years after the commission of the offense.</p>
What is the statute of limitations for this crime?	<p>1. Citation for the crime: Utah Code Ann. § 76-5b-202, § 76-5-111. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-302.</p>

Incest

Question	Answer
What is the statute of limitations for this crime?	<p>1. The time limit is within 8 years after the offense is committed, provided that the offense was reported to a law enforcement agency within 4 years after commission of the offense, otherwise the time limit is 4 years.</p>
Statutory citation(s):	<p>1. Citation for the crime: Utah Code Ann. § 76-7-102. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-302.</p>

Are there any exceptions to the statute of limitations laws?

Question	Answer
Exceptions	<ul style="list-style-type: none"> • Utah Code Ann. § 76-1-302 - Time limitations for prosecution of offenses: <ul style="list-style-type: none"> • For the following offenses, prosecution may be commenced at any time if the identity of the person who committed the offense is unknown but DNA evidence is collected that would identify the person at a later date: <ul style="list-style-type: none"> • Rape (§ 76-5-402) • Rape of a child (§ 76-5-402.1) • Object rape (§ 76-5-402.2) • Object rape of a child (§ 76-5-402.3) • Forcible sodomy (§ 76-5-403 (2)) • Sodomy on a child (§ 76-5-403.1) • Forcible sexual abuse (§ 76-5-404) • Aggravated sexual abuse of a child and sexual abuse of a child (§ 76-5-404.1) • Aggravated sexual assault (§ 76-5-405) • Sexual exploitation of a minor (§ 76-5b-201) • Sexual exploitation of a vulnerable adult (§ 76-5b-201) • (2) (b) The above provision does not apply if the statute of limitations on an offense has run as of May 5, 2003, and no charges have been filed; • (3) If the statute of limitations would have run but for the provisions of Subsection (2) and identification of a perpetrator is made through DNA, a prosecution shall be commenced within four years of the confirmation of the identity of the perpetrator.

Anything else I should know?

Question	Answer
Anything else I should know?	<ul style="list-style-type: none"> • Utah Code Ann. § 76-1-304 Defendant out of state <ul style="list-style-type: none"> • (1) The period of limitation does not run against any defendant during any period of time in which the defendant is out of the state following the commission of an offense. • (2) If the defendant has entered into a plea agreement with the prosecution and later successfully moves to invalidate his conviction, the period of limitation is suspended from the time of the entry of the plea pursuant to the plea agreement until the time at which the conviction is determined to be invalid, and that determination becomes final. • (4) When the period of limitation is suspended pursuant to Subsection (2), the suspension includes any charges to which the defendant pleaded guilty pursuant to a plea agreement, charges which were dismissed as a result of a plea agreement, as well as any known charges which were not barred at the

time of entry of the plea.

- (5) Notwithstanding any other limitation, a prosecution may be commenced for charges described in Subsection (4) within one year after a plea entered pursuant to a plea agreement has been determined to be invalid, and that determination becomes final.