

# Criminal Statutes of Limitations Virginia

*Last Updated: March 2020*

## 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: Va. Code § 18.2-61. 2. Citation for the statute of limitations: Va. Code § 19.2-8; <i>Foster v. Virginia</i> , 606 S.E. 2d 518, (Va. Ct. App. 2004).

## Carnal knowledge of child between 13 and 15

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: Va. Code § 18.2-63. 2. Citation for the statute of limitations: Va. Code § 19.2-8; <i>Foster v. Virginia</i> , 606 S.E. 2d 518, (Va. Ct. App. 2004).

## Carnal knowledge of certain minors

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit for this crime.

Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Va. Code § 18.2-64.1.</li> <li>2. Citation for the statute of limitations: Va. Code § 19.2-8; <i>Foster v. Virginia</i>, 606 S.E. 2d 518, (Va. Ct. App. 2004).</li> </ol>
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## Carnal knowledge of an inmate, parolee, probationer, detainee, or pre-trial or post-trial offender

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> <li>1. There is no time limit for this crime.</li> <li>2. If the offense involves a pretrial defendant or post-trial offender, and the accused is an owner or employee of the bail bond company that posted the victim's bond and has the authority to revoke the bond, the limit is within 1 year after the commission of the offense.</li> <li>3. If the offense involves a pretrial defendant or post-trial offender who is under 18, and the accused is an owner or employee of the bail bond company that posted the victim's bond and has the authority to revoke the bond, the limit is within 1 year after the victim reaches majority.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Va. Code § 18.2-64.2.</li> <li>2. Citation for the statute of limitations: Va. Code § 19.2-8; <i>Foster v. Virginia</i>, 606 S.E. 2d 518, (Va. Ct. App. 2004).</li> </ol>

## Forcible sodomy

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"> <li>1. There is no time limit for this crime.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Va. Code § 18.2-67.1.</li> <li>2. Citation for the statute of limitations: Va. Code § 19.2-8; <i>Foster v. Virginia</i>, 606 S.E. 2d 518, (Va. Ct. App. 2004).</li> </ol>

## Object sexual penetration

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: Va. Code § 18.2-67.2. 2. Citation for the statute of limitations: Va. Code § 19.2-8; <i>Foster v. Virginia</i> , 606 S.E. 2d 518, (Va. Ct. App. 2004).

## Aggravated sexual battery

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: Va. Code § 18.2-67.3. 2. Citation for the statute of limitations: Va. Code § 19.2-8; <i>Foster v. Virginia</i> , 606 S.E. 2d 518, (Va. Ct. App. 2004).

## Sexual battery

Question	Answer
What is the statute of limitations for this crime?	1. The time limit is within 1 year after the commission of the crime. 2. If the victim was under 18 at the time of the offense, the time limit is within 1 year after the victim reaches majority.

Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Va. Code § 18.2-67.4.</li> <li>2. Citation for the statute of limitations: Va. Code § 19.2-8.</li> </ol>
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## Infected sexual battery

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a:</p> <ul style="list-style-type: none"> <li>• Misdemeanor when the offender is aware that the offender is infected with HIV, syphilis, or hepatitis B, and engages in sexual penetration with the victim without having previously disclosed the existence of his infection to the victim; or</li> <li>• Felony when there is intent to transmit the infection.</li> </ul> <p>The time limit depends on the type of crime:</p> <ol style="list-style-type: none"> <li>1. Within 1 year after the commission of the offense when it is a misdemeanor; or</li> <li>2. No time limit when it is a felony.</li> <li>3. If the offense is classified as a misdemeanor, and the victim was under 18 at the time of the offense, the time limit is within 1 year after the victim reaches majority.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Va. Code § 18.2-67.4:1.</li> <li>2. Citation for the statute of limitations: Va. Code § 19.2-8; <i>Foster v. Virginia</i>, 606 S.E. 2d 518, (Va. Ct. App. 2004).</li> </ol>

## Sexual abuse of a child under 15

Question	Answer
What is the statute of limitations for this crime?	1. The time limit is within 1 year after the victim reaches majority.
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Va. Code § 18.267.4:2.</li> <li>2. Citation for the statute of limitations: Va. Code § 19.2-8.</li> </ol>

## Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual battery

Question	Answer
<p>What is the statute of limitations for this crime?</p>	<p>This crime is classified as follows:</p> <ul style="list-style-type: none"> <li>• Attempted rape, attempted forcible sodomy, attempted object sexual penetration, and attempted aggravated sexual battery are felonies.</li> <li>• Attempted sexual battery is a misdemeanor.</li> </ul> <p>The time limit depends on the type of crime:</p> <ol style="list-style-type: none"> <li>1. Within 1 year after the commission of the offense when it is a misdemeanor.</li> <li>2. If the victim was under 18 at the time of the offense, the time limit is within 1 year after the victim reaches majority.</li> <li>3. No time limit when it is a felony.</li> </ol>
<p>Statutory citation(s):</p>	<ol style="list-style-type: none"> <li>1. Citation for the crime: Va. Code § 18.2-67.5.</li> <li>2. Citation for the statute of limitations: Va. Code § 19.2-8; <i>Foster v. Virginia</i>, 606 S.E. 2d 518, (Va. Ct. App. 2004).</li> </ol>

## Adultery and fornication by persons forbidden to marry; incest

Question	Answer
<p>What is the statute of limitations for this crime?</p>	<p>This crime is classified as follows:</p> <ul style="list-style-type: none"> <li>• Misdemeanor; or</li> <li>• Felony when the offender commits incest with the offender's child, grandchild, or parent.</li> </ul> <p>The time limit depends on the type of crime:</p> <ol style="list-style-type: none"> <li>1. Within 1 year after the commission of the crime when it is a misdemeanor; or</li> <li>2. No time limit when it is a felony.</li> </ol>

Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Va. Code § 18.2-366</li> <li>2. Citation for the statute of limitations: Va. Code § 19.2-8; <i>Foster v. Virginia</i>, 606 S.E. 2d 518, (Va. Ct. App. 2004).</li> </ol>
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### **Taking indecent liberties with children; penalties**

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit for this crime.
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Va. Code § 18.2-370.</li> <li>2. Citation for the statute of limitations: Va. Code § 19.2-8; <i>Foster v. Virginia</i>, 606 S.E. 2d 518, (Va. Ct. App. 2004).</li> </ol>

### **Taking indecent liberties with child by person in custodial or supervisory relationship**

Question	Answer
What is the statute of limitations for this crime?	1. There is no time limit for this crime.
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Va. Code § 18.2-370.1.</li> <li>2. Citation for the statute of limitations: Va. Code § 19.2-8; <i>Foster v. Virginia</i>, 606 S.E. 2d 518, (Va. Ct. App. 2004).</li> </ol>

### **Penetration of mouth of child with lascivious intent**

Question	Answer
What is the statute of limitations for this crime?	1. The time limit is within 1 year after the victim reaches majority.

Statutory citation(s):	1. Citation for the crime: Va. Code § 18.2-370.6. 2. Citation for the statute of limitations: Va. Code § 19.2-8.
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**Are there any exceptions to the statute of limitations?**

Question	Answer
Exceptions	<ul style="list-style-type: none"><li>• None specified.</li></ul>

**Anything else I should know?**

Question	Answer
Anything else I should know?	<ul style="list-style-type: none"><li>• The statute of limitations does not apply to any person fleeing from justice or concealing himself within or without the state to avoid arrest. Va. Code § 19.2-8.</li></ul>