

# Criminal Statutes of Limitations Wisconsin

*Last Updated: March 2020*

## Sexual exploitation by therapist

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"><li>1. The time limit is within 6 years after the commission of the offense.</li><li>2. In computing the time limited by this section, the time during which alleged victim is unable to seek the issuance of a complaint under §968.02 due to the effects of the sexual contact or due to any threats, instructions or statements from the therapist shall not be included.</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: Wis. Stat. § 940.22.</li><li>2. Citation for the statute of limitations: Wis. Stat. § 939.74.</li></ol>

## Incest

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"><li>1. The time limit is within 6 years after the commission of the offense.</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: Wis. Stat. § 944.06.</li><li>2. Citation for the statute of limitations: Wis. Stat. § 939.74.</li></ol>

## Sexual assault of a child

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 First Degree Sexual Assault.</li><li>2. The time limit is before the victim reaches the age of 45 for Second Degree Sexual Assault.</li></ol>

Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Wis. Stat. § 948.02.</li> <li>2. Citation for the statute of limitations: Wis. Stat. § 939.74.</li> </ol>
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### **Engaging in repeated acts of sexual assault of the same child**

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 violations of subsections 1(a) through 1(d) of this statute.</li> <li>2. The time limit is before the victim reaches the age of 45 for a violation of subsection 1(e) of this statute.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Wis. Stat. § 948.025.</li> <li>2. Citation for the statute of limitations: Wis. Stat. § 939.74.</li> </ol>

### **Sexual exploitation of a child**

Question	Answer
What is the statute of limitations for this crime?	1. The time limit is before the victim reaches the age of 45.
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Wis. Stat. § 948.05.</li> <li>2. Citation for the statute of limitations: Wis. Stat. § 939.74.</li> </ol>

### **Incest with a child**

Question	Answer
What is the statute of limitations for this crime?	1. The time limit is before the victim reaches the age of 45.
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Wis. Stat. § 948.06.</li> <li>2. Citation for the statute of limitations: Wis. Stat. § 939.74.</li> </ol>

### **Sexual assault of a child placed in substitute care**

Question	Answer
What is the statute of limitations for this crime?	1. The time limit is before the victim reaches the age of 45.
Statutory citation(s):	1. Citation for the crime: Wis. Stat. § 948.085. 2. Citation for the statute of limitations: Wis. Stat. § 939.74.

### **Sexual intercourse with a child 16 or over**

Question	Answer
What is the statute of limitations for this crime?	1. The time limit is within 3 years after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Wis. Stat. § 948.09. 2. Citation for the statute of limitations: Wis. Stat. § 939.74.

### **Sexual assault of a child by a school staff person or a person who works or volunteers with children**

Question	Answer
What is the statute of limitations for this crime?	1. The time limit is before the victim reaches the age of 45.
Statutory citation(s):	1. Citation for the crime: Wis. Stat. § 948.095. 2. Citation for the statute of limitations: Wis. Stat. § 939.74.

## Sexual Assault

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"> <li>1. There is no time limit for Sexual Assault in the First Degree;</li> <li>2. Within 10 years after the commission of the offense for Sexual Assault in the Second Degree or Third Degree; or</li> <li>3. Within 3 years after the commission of the offense for Sexual Assault in the Fourth Degree.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Wis. Stat. § 940.225.</li> <li>2. Citation for the statute of limitations: Wis. Stat. § 939.74.</li> </ol>

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

Question	Answer
Exceptions	<ul style="list-style-type: none"> <li>• Wis. Stat. § 939.74 provides that in computing the time that has elapsed under the statute of limitations, “the time during which the actor was not publicly a resident within this state or during which a prosecution against the actor for the same act was pending shall not be included. A prosecution is pending when a warrant or a summons has been issued, an indictment has been found, or an information has been filed.”</li> <li>• Wis. Stat. § 939.74 also has a DNA exception which provides:             <ul style="list-style-type: none"> <li>• (2)(c) If, before the applicable time limitation under sub. (1) or (2)(am), (ar), (c), or (cm) for commencing prosecution of a felony under ch. 940 or 948, other than a felony specified in sub. (2)(a), expires, the state collects biological material that is evidence of the identity of the person who committed the felony, identifies a deoxyribonucleic acid profile from the biological material, and compares the deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known persons, the state may commence prosecution of the person who is the source of the biological material for the felony or a crime that is related to the felony or both within 12 months after comparison of the deoxyribonucleic acid profile relating to the felony results in a probable identification of the person or within the applicable time under sub. (1) or (2), whichever is latest.</li> <li>• (2)(e) If, within 6 years after commission of a felony specified under sub. (2)(a), the state collects biological</li> </ul> </li> </ul>

material that is evidence of the identity of the person who committed the felony, identifies a deoxyribonucleic acid profile from the biological material, and compares the deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known persons, the state may commence prosecution of the person who is the source of the biological material for a crime that is related to the felony within 12 months after comparison of the deoxyribonucleic acid profile relating to the felony results in a probable identification of the person or within the applicable time under sub. (1) or (2), whichever is latest.

### Anything else I should know?

Question	Answer
Anything else I should know?	• None specified.