Criminal Statutes of Limitations
utah

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Unlawful sexual activity with a minor

Question	Answer
What is the statute of limitations for this crime?	This crime is a: 1. Third degree felony; or 2. A class B misdemeanor if the offender is less than 4 years older than the minor victim at the time the sexual activity occurred or the offender is 18 years old and enrolled in high school at the time the sexual activity occurred; or 3. A class A misdemeanor if the offender was younger than 21 at the time the sexual activity occurred. The time limit depends on the type of crime: 1. Within 10 years from the time the victim reaches the age of 18 when it is a felony; or 2. Within two years after commission of the offense when it is a misdemeanor.
Statutory citation(s):	1. Citation for the crime: Utah Code Ann. § 76-5-401. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-302, § 76-1-301.1.

Sexual abuse of a minor

Question	Answer
What is the statute of limitations for this crime?	The crime is a class A misdemeanor. 1. The time limit is within two 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 a teacher, employee, 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 crime becomes a third degree felony and the time limit is 4 years after the crime is committed.
Statutory citation(s):	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?	This crime is a: 1. A third degree felony unless the offender touches the anus, buttocks, pubic area, 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, with the intent to cause substantial emotional or bodily pain or with the intent to arouse or gratify the sexual desires of the actor, in which case the crime is a class A misdemeanor. 2. However, even when 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, employee, 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 depends on the type of crime: 1. Within four years after commission of the offense when it is a felony; or 2. Within two years after commission of the offense when it is a misdemeanor.

Statutory citation(s):	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, § 76-1-301.1, § 76-3-203.13.

Unlawful adolescent sexual activity

Question	Answer
What is the statute of limitations for this crime?	1. Within 4 years after commission of the offense when it is a felony; or 2. Within two years after commission of the offense when it is a misdemeanor.
Statutory citation(s):	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 this crime.
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
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 4 years.
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; § 76-5-404.3. 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

Question	Answer
What is the statute of limitations for this crime?	This crime is a felony. 1. The time limit is within 4 years after the commission of the offense.

Statutory citation(s):	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 misconduct

Question	Answer
What is the statute of limitations for this crime?	This crime is a misdemeanor, unless the victim is under 18 years old, in which case it is a felony. 1. The time limit is within two years after the commission of the offense, unless the victim is under 18, in which case the time limit is 4 years.
Statutory citation(s):	1. Citation for the crime: Utah Code Ann. § 76-5-412.2. 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?	Custodial sexual relations with a youth is a felony; custodial sexual misconduct with a youth is a misdemeanor if the victim is 18 years of age or older, and it is a felony if the victim is younger than 18 years old. 1. The time limit is within 4 years after the commission of the offense if classified as a felony, two years after the commission of the crime if classified as a misdemeanor.

Statutory citation(s):	1. Citation for the crime: Utah Code Ann. § 76-5-413, § 76-5-413.2. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-302.

Incest

Question	Answer
What is the statute of limitations for this crime?	This crime is a felony. 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.
Statutory citation(s):	1. Citation for the crime: Utah Code Ann. § 76-7-102. 2. Citation for the statute of limitations: Utah Code Ann. § 76-1-302.

Are there any exceptions to the statute of limitations laws?

Question	Answer

Exceptions	• Utah Code Ann. § 76-1-302 - Time limitations for prosecution of offenses:
	  • 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:
	  • 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)
- 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)
- (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 must 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?	• Utah Code Ann. § 76-1-304 - Defendant out of state
	  • (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.
	• Utah Code Ann. § 76-1-305 – Lesser included offense for which period of limitations has run

- Whenever a defendant is charged with an offense for which the period of limitations has not run and the defendant should be found guilty of a lesser offense for which the period of limitations has run, the finding of the lesser included offense against which the statute of limitations has run shall not be a bar to punishment for the lesser offense.