

## Sexual Assault Statute of Limitations

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### Issue

Summarize the statute of limitations for sexual assault cases under Connecticut law. **This report has been updated by OLR Report [2018-R-0249](#).**

### Summary

The criminal statute of limitations for sexual assault depends upon the particular crime charged, whether the victim was a minor, and whether there is DNA evidence. The civil statute of limitations depends upon whether the victim was a minor, and in some cases, whether the offender was convicted for criminal sexual assault. The laws are summarized below.

Please note that statutes of limitations can be tolled (suspended) in certain situations, thus giving the state additional time to prosecute a case or a person additional time to file a lawsuit. (For example, the criminal statute of limitations is tolled if the defendant has fled the state ([CGS § 54-193\(d\)](#).)

#### *Criminal Statute of Limitations*

*The general time limits to prosecute a criminal case in Connecticut are (1) no limit for class A felonies and certain other felonies, (2) five years from the date of the crime for most other felonies, and (3) one year for misdemeanors. For more information, see [OLR Report 2015-R-0098](#).*

### Criminal Cases

#### *Class A Felonies*

The following sexual assault crimes are Class A felonies and thus can be prosecuted at any time ([CGS § 54-193](#)):

1. 1<sup>st</sup> degree sexual assault when (a) force or the threat of force is used and the victim is under age 16 or (b) the victim is under age 13 and the offender is more than two years older ([CGS § 53a-70](#));
2. 1<sup>st</sup> degree aggravated sexual assault when the victim is under age 16 ([CGS § 53a-70a](#)); and
3. aggravated sexual assault of a minor ([CGS § 53a-70c](#)).

### ***Cases Involving DNA Evidence***

There is also no statute of limitations for certain sexual assault crimes if the (1) victim reports the crime to the police or a prosecutor within five years of the date it is committed and (2) alleged offender's identity is established through DNA using evidence collected at the time of the offense ([CGS § 54-193b](#)). This applies to 1<sup>st</sup> degree or 1<sup>st</sup> degree aggravated sexual assault, sexual assault in a spousal or cohabiting relationship, 2<sup>nd</sup> or 3<sup>rd</sup> degree sexual assault, and 3<sup>rd</sup> degree sexual assault with a firearm.

### ***Other Cases Involving Sexual Assault of a Minor***

If the victim was a minor and the case is not covered by the provisions above, the statute of limitations is up to (1) the victim's 48th birthday or (2) five years from the date the victim notifies the police or a prosecutor of the crime, whichever is earlier. In cases of 2<sup>nd</sup> degree sexual assault where the victim is at least age 13 but under 16 and the offender is more than three years older, the victim must have notified the police or a prosecutor of the crime within five years after it was committed ([CGS § 54-193a](#)).

### ***Other Cases***

For sexual assault cases not fitting into any of the categories above, the statute of limitations is generally five years (that is the default statute of limitations for most felonies other than class A felonies).

It is one year if the crime is 4<sup>th</sup> degree sexual assault and the victim is age 16 or older (that is the only sexual assault crime punishable as a misdemeanor rather than a felony) ([CGS § 54-193](#)).

## Civil Cases

There is no limitation on bringing a personal injury action to recover damages caused by sexual assault when the offender has been convicted of 1<sup>st</sup> degree sexual assault or 1<sup>st</sup> degree aggravated sexual assault for such action ([CGS § 52-577e](#)). Otherwise, if the victim was a minor at the time of the assault, the victim has until his or her 48th birthday to file a personal injury action based on the crime ([CGS § 52-577d](#)).

In cases not subject to these provisions, the three-year statute of limitations that applies to other civil tort cases would generally apply ([CGS § 52-577](#)).

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