

Statute of Limitations for Prosecutions

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Issue

Describe the statutes that limit the time period for bringing a prosecution against someone for committing a crime under Connecticut law, i.e., a “statute of limitations.”

This report updates and expands upon [OLR Report 2015-R-0098](#).

Summary

A statute of limitations is a law that limits the time period within which a state’s attorney can begin a prosecution against someone for committing a crime.

In Connecticut, there is no time limit on prosecuting someone for certain serious crimes, such as (1) murder and other class A felonies and (2) certain other sexual assault crimes involving DNA evidence.

For most other crimes, prosecutors may begin a prosecution not later than (1) five years after the crime was committed for felonies and (2) one year after the crime was committed for misdemeanors ([CGS § 54-193](#)). But the law provides longer periods for certain crimes, such as crimes involving sexual abuse of a minor.

For all crimes with a limitations period, the statute of limitations is tolled (suspended) in certain circumstances, such as during any period during which the offender has fled and resides outside the state ([CGS § 54-193\(d\)](#)).

Below we describe the limitations periods in more detail.

Crimes with No Statute of Limitations (CGS §§ 54-193 and -193b)

By law, there is no statute of limitations for prosecuting the crimes listed in Table 1.

Table 1: Crimes with No Statute of Limitations

<p>Class A felonies:</p> <ul style="list-style-type: none"> • Murder (CGS § 53a-54a) • Murder with special circumstances (CGS § 53a-54b) • Felony murder (CGS § 53a-54c) • Assault of a pregnant woman resulting in termination of pregnancy (CGS § 53a-59c) • 1st degree sexual assault (when force is used or threatened and the victim is under age 16 or the victim is under age 13 and the actor is more than two years older) (CGS § 53a-70) • 1st degree aggravated sexual assault (when the victim is under age 16) (CGS § 53a-70a) • Aggravated sexual assault of a minor (CGS § 53a-70c) • Commercial sexual abuse of a minor (when the victim is under age 15) (CGS § 53a-83b) • 1st degree kidnapping (CGS § 53a-92) • 1st degree kidnapping with a firearm (CGS § 53a-92a) • Home invasion (CGS § 53a-100aa) • 1st degree arson (CGS § 53a-111) • Trafficking in persons (CGS § 53a-192a) • Employing a minor in an obscene performance (CGS § 53a-196a)
Capital felony committed before April 25, 2012 (the date of the death penalty statute's repeal) (formerly CGS § 53a-54b)
Arson murder (CGS § 53a-54d)
Perjury (when committed in a proceeding that resulted in the conviction of someone who was later determined innocent of the crime) (CGS § 53a-156)
1 st or 2 nd degree hindering prosecution (when it assisted someone who committed a capital felony, class A felony, arson murder, or 1 st degree escape) (CGS §§ 53a-165aa and -166)
1 st degree escape (CGS § 53a-169)
<p>The following crimes if the (1) victim reports the crime within five years of the date it is committed and (2) alleged offender's identity is established using DNA evidence collected at the time of the offense:</p> <ul style="list-style-type: none"> • 1st, 2nd, or 3rd degree sexual assault (CGS §§ 53a-70, -71, and -72a) • 1st degree aggravated sexual assault (CGS § 53a-70a) • Sexual assault in a spousal or cohabiting relationship (CGS § 53a-70b) • 3rd degree sexual assault with a firearm (CGS § 53a-72b)
Motor vehicle violations or crimes resulting in another's death when they involve the crime of evading responsibility in an accident causing death (CGS § 14-224(a))
Marijuana and controlled substances tax violations (CGS § 12-660) (this statute provides that, notwithstanding the general statute of limitations for felonies, "a person may be prosecuted for a violation of any provision of this chapter more than five years after such violation")

Exceptions from Standard Statute of Limitations

For felonies not specified above, the statute of limitations is generally five years. For misdemeanors, the statute of limitations is generally one year ([CGS § 54-193](#)).

For certain crimes, the law provides an exception to the standard statute of limitations or otherwise specifies when the period begins to run. These laws are summarized below.

Crimes Involving Sexual Abuse of a Minor

For crimes involving sexual abuse, sexual exploitation, or sexual assault of a minor, other than those crimes with no statute of limitations as described above, the statute of limitations is the earlier of:

1. 30 years from the date the victim attains age 18 or
2. five years from the date the victim notifies police or a prosecutor of the offense.

If the crime is 2nd degree sexual assault involving sexual intercourse between a victim at least age 13 but under 16 and an actor at least three years older, the law requires the victim to notify a police officer or prosecutor within five years after the crime is committed. Thus, the statute of limitations for this crime is five years from the date of notification ([CGS § 54-193a](#)).

Tax Laws

There is a three-year statute of limitations for certain misdemeanor crimes involving willful failure to pay various states taxes, file tax returns, keep records, or supply required information regarding these taxes. This applies to the income tax ([CGS § 12-737](#)), sales and use taxes ([CGS § 12-428](#)), corporation business tax ([CGS § 12-231](#)), insurance company and health care center tax ([CGS § 12-206](#)), and several other state taxes.

Unemployment Compensation

The law establishes a five-year statute of limitations for certain misdemeanor crimes involving unemployment compensation. This applies to (1) specified fraudulent acts in connection with unemployment benefits, contributions, or payments of \$500 or less and (2) knowingly failing to pay unemployment contributions or other payments due under law ([CGS § 31-273\(f\) and\(g\)](#)).

Voyeurism

The law establishes four categories of conduct that constitute voyeurism, a class D or C felony. For the three categories involving unauthorized recording of the victim's image (by photograph, film, videotape, or other means), the statute of limitations is five years from the later of (1) the offense or (2) the victim's discovery of the existence of the recording ([CGS § 53a-189a](#)).

Funeral Service Contract Fraud

It is a class D felony to (1) arrange, promote, or sell a funeral services contract with intent to defraud or (2) enter such a contract and intentionally deprive the contract's beneficiary, the estate, or the beneficiary's heirs of the services, personal property, or merchandise under the contract. The statute of limitations for these crimes is the earlier of five years from the date the (1) contract's beneficiary dies or (2) victim notifies a police officer or state's attorney of the crime ([CGS §§ 42-206a](#) to [-206c](#)).

Corrupt Organizations and Racketeering Activity Act (CORA)

By law, it is an unclassified felony to violate the state racketeering law (CORA). The law specifies that a criminal prosecution under CORA may be commenced at any time within five years after the illegal conduct terminates ([CGS § 53-403](#)).

JO:cmg