

Sexual Assault Statute of Limitations

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Issue

Summarize the statute of limitations for sexual assault cases under Connecticut law.

This report updates [OLR Report 2017-R-0071](#) to add information on certain related crimes.

Summary

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

Please note that the statute 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 most misdemeanors. For more information, see [OLR Report 2018-R-0248](#).

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. 1st 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 alleged offender is more than two years older ([CGS § 53a-70](#));
2. 1st 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](#)).

Certain other crimes involving commercial sexual abuse or exploitation of victims are class A felonies and thus can be prosecuted at any time. These crimes include:

1. commercial sexual abuse of a minor, when the victim is under age 15 ([CGS § 53a-83b](#));
2. trafficking in persons ([CGS § 53a-192a](#)); and
3. employing a minor in an obscene performance ([CGS § 53a-196a](#)).

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 using DNA evidence collected at the time of the offense ([CGS § 54-193b](#)). This applies to 1st degree aggravated sexual assault; sexual assault in a spousal or cohabiting relationship; 1st, 2nd, or 3rd degree sexual assault; and 3rd 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 the earlier of (1) the victim's 48th birthday or (2) five years from the date the victim notifies the police or a prosecutor of the crime. In cases of 2nd degree sexual assault where the victim is at least age 13 but under 16 and the alleged 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 above categories, 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 4th 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 1st degree sexual assault or 1st 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 for damages, including emotional distress, caused by sexual assault, sexual abuse, or sexual exploitation ([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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