

Sexual Assault Statute of Limitations

By: James Orlando, Chief Attorney
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Issue

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

This report updates OLR Report [2018-R-0249](#) to reflect changes from the 2019 legislative session.

Summary

In Connecticut, the criminal statute of limitations for sexual assault depends on the particular crime charged, the victim's age, and whether there is DNA evidence. The civil statute of limitations depends on the victim's age, and in some cases, whether the offender was convicted of criminal sexual assault.

As described below, [PA 19-16](#) (1) eliminated or extended the criminal statute of limitations for various sexual assault and related crimes and (2) extended the civil statute of limitations for sexual abuse or related conduct for victims under age 21. The changes took effect October 1, 2019. The criminal changes apply to (1) offenses committed on or after that date and (2) offenses committed before then that were not time-barred as of October 1, 2019. The civil changes apply to cases arising from incidents committed on or after October 1, 2019.

Criminal Statute of Limitations Generally

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 [2019-R-0210](#).

Below is a summary of Connecticut's criminal and civil statute of limitations for sexual assault and related crimes, following the passage of [PA 19-16](#). For information on prior law (which continues to apply to some cases), see OLR Report [2018-R-0249](#).

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.

Criminal Cases with No Limitation Period

Class A Felonies

The following sexual assault crimes are Class A felonies and thus can be prosecuted at any time ([CGS § 54-193](#), as amended by [PA 19-16](#), § 17):

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](#)).

Other Cases Involving Sexual Assault of a Minor

Under [PA 19-16](#), there is no statute of limitations on any other offense involving sexual abuse, sexual exploitation, or sexual assault of a minor, including risk of injury to a minor involving intimate contact with a victim under age 16 ([CGS § 53-21\(a\)\(2\)](#)).

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 after it is committed and (2) alleged offender's identity is established using DNA evidence collected at the time of the offense ([CGS § 54-193b](#), as amended by [PA 19-16](#), § 22 and [PA 19-189](#), § 37). This applies to the following crimes:

1. 1st, 2nd, or 3rd degree sexual assault (CGS §§ 53a-70, -71, and -72a);
2. 1st degree aggravated sexual assault (CGS § 53a-70a);
3. Sexual assault in a spousal or cohabiting relationship (as of October 1, 2019, this is no longer a separate crime; see PA 19-189); and
4. 3rd degree sexual assault with a firearm (CGS § 53a-72b).

Criminal Cases with a Statute of Limitations

Other Cases Involving Sexual Assault of a Victim Aged 18 to 20

For any offense involving sexual abuse, sexual exploitation, or sexual assault of a person age 18, 19, or 20, PA 19-16 extends the statute of limitations until the victim's 51st birthday, unless there would be no statute of limitations (e.g., the crime is a class A felony).

Other Felony Cases

Under PA 19-16, the statute of limitations is 20 years for other felony sexual assault crimes for cases in which the victim is age 21 or older, unless there would be no statute of limitations under the act or existing law as described above.

This applies to:

1. 1st degree sexual assault and 1st degree aggravated sexual assault in cases where either crime is a class B felony;
2. 2nd degree sexual assault and 3rd degree sexual assault with a firearm in cases where either crime is a class C felony;
3. 3rd degree sexual assault in cases where the crime is a class D felony; and
4. sexual assault in a spousal or cohabiting relationship (as of October 1, 2019, this is no longer a separate crime; see PA 19-189).

Misdemeanor 4th Degree Sexual Assault

Under PA 19-16, the statute of limitations is 10 years for 4th degree sexual assault in cases where the crime is a class A misdemeanor and the victim is age 21 or older.

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 it (CGS § 52-577e). Otherwise, if the victim was under age 18 at the time of an assault that occurred before October 1, 2019, 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). Under PA 19-16, if the victim was under age 21 at the time of an assault that occurred on or after October 1, 2019, the victim has until his or her 51th birthday to file the action.

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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