

# Criminal Statutes of Limitations

## Arkansas

*Last Updated: April 2023*

### Rape

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class Y felony.</p> <ol style="list-style-type: none"><li>1. Within six years after commission of the offense;</li><li>2. If the crime was committed against a minor, prosecution can occur at any time; or</li><li>3. The period of limitation is eliminated if biological evidence of the alleged perpetrator is identified that is capable of producing a DNA profile.</li></ol> <p>Note: A "minor" is defined under the Arkansas Criminal Code to mean "a person who is less than 18 years of age."</p>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: Ark. Code § 5-14-103.</li><li>2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(D) and § 5-1-109(b)(1)(A).</li><li>3. Citation for the definition of minor: Ark. Code § 5-1-101(7).</li></ol>

### Sexual assault, first degree

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class A felony.</p> <ol style="list-style-type: none"><li>1. A prosecution may be commenced for a violation of this crime at any time.</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: Ark. Code § 5-14-124.</li><li>2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(F).</li></ol>

## Sexual assault, second degree

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class B felony. If, however, (i) offender is a minor (ii) victim is less than 14 <u>and</u> (iii) victim is not offender's spouse, then crime is a Class D felony.</p> <ol style="list-style-type: none"><li>1. A prosecution may be commenced for a violation of this crime at any time if the victim was a minor at the time of the offense; or</li><li>2. Within three years after commission of the offense.</li></ol> <p>Note: A "minor" is defined under the Arkansas Criminal Code to mean "a person who is less than 18 years of age."</p>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: Ark. Code § 5-14-125.</li><li>2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(G) and § 5-1-109 (b)(2).</li><li>3. Citation for the definition of minor: Ark. Code § 5-1-101(7).</li></ol>

## Sexual assault, third degree

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class C felony.</p> <ol style="list-style-type: none"><li>1. A prosecution may be commenced for a violation of this crime at any time if, when the alleged violation occurred, the offense was committed against a minor, the violation has not been previously reported to a law enforcement agency or prosecuting attorney, and the victim has not reached 28 years of age; or</li><li>2. Within three years after commission of the offense.</li></ol> <p>Note: A "minor" is defined under the Arkansas Criminal Code to mean "a person who is less than 18 years of age."</p>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: Ark. Code § 5-14-126.</li><li>2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(2)(A) and Ark. Code § 5-1-109(b)(2).</li><li>3. Citation for the definition of minor: Ark. Code § 5-1-101(7).</li></ol>

## Sexual assault, fourth degree

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class D felony if: (i) offender 20 years of age or older engages in sexual intercourse or deviate sexual activity with a victim under 16 who is not offender's spouse; or (ii) offender is employed with the Division of Correction, Division of Community Correction, Department of Human Services, or any city or county jail and victim is in the custody thereof and not offender's spouse.</p> <p>Otherwise this crime is a Class A misdemeanor if an offender 20 years of age or older engages in sexual contact with a victim under 16 who is not the offender's spouse.</p> <ol style="list-style-type: none"> <li>1. A prosecution may be commenced for a violation of this crime at any time if, when the alleged violation occurred, the offense was committed against a minor, the violation has not been previously reported to a law enforcement agency or prosecuting attorney, and the victim has not reached the age of 28 years of age;</li> <li>2. If a Class D felony, within three years after commission of the offense; or</li> <li>3. For misdemeanors and violations, within one year after commission of the offense.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Ark. Code § 5-14-127.</li> <li>2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(2)(B), § 5-1-109(b)(2) and § 5-1-109(b)(3)(A).</li> </ol>

## Sexual indecency with a child

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class D felony. If offender is 18 years or older and, for the purpose of arousing or gratifying a sexual desire of themselves or any other person, enters into or remains in a public changing facility that is assigned to persons of the opposite sex while knowing a minor of the opposite sex is present in the public changing facility, the crime is a Class C misdemeanor.</p> <ol style="list-style-type: none"> <li>1. If a felony, a prosecution may be commenced for a violation of this crime at any time; or</li> <li>2. If a misdemeanor, within one year after commission of the offense.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Ark. Code § 5-14-110.</li> <li>2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(E) and § 5-1-109(b)(3)(A).</li> </ol>

## **Incest**

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class C felony. <ol style="list-style-type: none"><li>1. A prosecution may be commenced for a violation of this crime at any time if the victim was a minor at the time of the offense; or</li><li>2. Within three years after commission of the offense.</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: Ark. Code § 5-26-202.</li><li>2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(H) and § 5-1-109(b)(2).</li></ol>

## **Engaging children in sexually explicit conduct for use in visual or print medium**

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class Y felony. <ol style="list-style-type: none"><li>1. A prosecution may be commenced for a violation of this crime at any time.</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: Ark. Code § 5-27-303.</li><li>2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(I).</li></ol>

## **Transportation of minors for prohibited sexual conduct**

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class Y felony. <ol style="list-style-type: none"><li>1. A prosecution may be commenced for a violation of this crime at any time.</li></ol>

Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Ark. Code § 5-27-305.</li> <li>2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(J).</li> </ol>
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## Internet stalking of a child

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class B felony if it involves an attempt to arrange a meeting with a child 15 years or younger or whom the offender believes to be 15 years or younger, or a person who holds himself or herself out as the parent, guardian, family member, or other person of authority over a child 15 years of age or younger or an individual that the person believes to be 15 years of age or younger, even if a meeting with the child never takes place.</p> <p>Otherwise, this crime is a Class Y felony if the offender arranges a meeting with a child 15 years or younger and the meeting takes place, even if the offender fails to engage the child in (i) sexual intercourse, (ii) sexually explicit conduct, or (iii) deviate sexual activity.</p> <ol style="list-style-type: none"> <li>1. For Class Y felony, within six years after commission of the offense; or</li> <li>2. For Class B felony, within three years after commission of the offense.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Ark. Code § 5-27-306.</li> <li>2. Citation for the statute of limitations: Ark. Code § 5-1-109(b)(1)(A) and § 5-1-109(b)(2).</li> </ol>

## Employing or consenting to the use of a child in a sexual performance

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class C felony for the first offense, and a Class B felony for subsequent offenses.</p> <ol style="list-style-type: none"> <li>1. A prosecution may be commenced for a violation of this crime at any time.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Ark. Code § 5-27-402.</li> <li>2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(K).</li> </ol>

## **Producing, directing or promoting child sexual performance**

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class Y felony.  1. A prosecution may be commenced for a violation of this crime at any time.
Statutory citation(s):	1. Citation for the crime: Ark. Code § 5-27-403. 2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(L).

## **Knowingly transmitting AIDS, HIV**

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class A felony.  1. Within six years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Ark. Code § 5-14-123. 2. Citation for the statute of limitations: Ark. Code § 5-1-109(b)(1)(A).

## **Computer exploitation of a child in the first degree**

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class Y felony.  1. A prosecution may be commenced for a violation of this crime at any time.
Statutory citation(s):	1. Citation for the crime: Ark. Code § 5-27-605(a). 2. Citation for the statute of limitations: Ark. Code § 5-1-109(a)(1)(M).

## Computer exploitation of a child in the second degree

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class C felony. 1. Within three years after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Ark. Code § 5-27-605(b). 2. Citation for the statute of limitations: Ark. Code § 5-1-109(b)(2).

## Sexually grooming a child

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class D felony if the perpetrator is 21 years or older. If, however, the perpetrator is under 21 years old, this crime is a Class A misdemeanor. 1. For a Class D felony, within three years after commission of the offense; or 2. For misdemeanors and violations, within one year after commission of the offense.
Statutory citation(s):	1. Citation for the crime: Ark. Code § 5-27-307. 2. Citation for the statute of limitations: Ark. Code § 5-1-109(b)(2) and (b)(3)(A).

## Are there any exceptions to the statute of limitations law?

Question	Answer
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Exceptions	<ul style="list-style-type: none"> <li>• Ark. Code § 5-1-109 Statute of limitations: <ul style="list-style-type: none"> <li>• (b)(1)(B) For rape (§ 5-14-103), the period of limitation is eliminated if biological evidence of the alleged perpetrator is identified that is capable of producing a deoxyribonucleic acid (DNA) profile.</li> <li>• (i) When DNA testing implicates a person identified through a search of a state or national DNA database, a statute of limitations shall not preclude prosecution.</li> </ul> </li> </ul>
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## Anything else I should know?

Question	Answer
Anything else I should know?	<ul style="list-style-type: none"> <li>• <i>Marlin Brown v. State of Arkansas</i>, 454 S.W.3d 226 (Ark. 2015) <ul style="list-style-type: none"> <li>• Marriage does not remove victim's disability as a minor for purposes of the statute of limitations. Offender does not have a vested right in statute of limitations until the bar in the statute has become effective and the legislature may extend the limitations period and apply such extension to any cause of action which was not barred at the time the new statute becomes effective.</li> </ul> </li> <li>• <i>Young v. Norris</i>, 226 S.W.3d 797, 799-800 (Ark. 2006) <ul style="list-style-type: none"> <li>• (c)(2) If any time period in (b) has passed, prosecution may be commenced for any offense that is concealed involving felonious conduct in office by a public servant within five years after leaving public office or employment within five years after the offense is discovered or should reasonably have been discovered, but in no event more than 10 years after the offense.</li> <li>• (g)(1) The period of limitation does not run: <ul style="list-style-type: none"> <li>• (A) During any time when the accused is continually absent from the state or has no reasonably ascertainable place of abode or work within the state (cannot extend period by more than three years); or</li> <li>• (2) During any period when a prosecution against the accused for the same conduct is pending in this state.</li> </ul> </li> </ul> </li> <li>• Ark. Code § 5-1-109: Elimination of the statute of limitations for an offense when DNA can provide the identity of an alleged perpetrator does not violate the Equal Protection Clause of the United States Constitution.</li> </ul>