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Statute of Limitations for Offenses Against Children Act

Summary

This Act would require that the period of limitation within which a criminal proceeding may be commenced against the accused not begin until the offense is reported or the victim reaches a specified age, when the offense in question is child abuse or a sexual offense against a child.

Model Legislation

{Title, enacting clause, etc.}

Section 1. {Title.}

This Act may be cited as the Statute of Limitations for Offenses Against Children Act.

Section 2. {Definitions.}

As used in this Act:

(A) “Child” means any person under [determined by legislature] years of age.

(B) “Child abuse” means any offense defined as child abuse under the State criminal code (offenses may include the following acts or omissions directed toward children: infliction of physical injury or unjustifiably cruel and extreme mental suffering by other than accidental means; neglect; or other maltreatment).

(C) “Sex offense” means any of the following offenses under the state criminal code:

1. [insert appropriate law], relating to incest, sexual assault, sexual abuse, or molestation of a child;

2. [insert appropriate law], relating to sexual assault, including rape, statutory rape, and sodomy;

3. [insert appropriate law], relating to the production, distribution, or sale of pornography or pornographic materials;

4. [insert appropriate law], relating to solicitation of children for the purposes of prostitution or other lewd or immoral purposes, or using children in any organized prostitution enterprise; or

5. [insert appropriate law], relating to aiding, abetting, attempting or conspiring to engage in any of the offenses in Subsection (C).

Section 3. {Period within which to commence criminal proceedings.}

In cases involving child abuse or a sexual offense against children as defined by state law, the applicable period of limitation within which criminal proceedings may be commenced against the accused does not begin to run until the victim has reached the age of [determined by legislature], or the violation is reported to a law enforcement or other governmental agency, whichever occurs earlier. Such agency shall promptly report such allegation to the state's attorney for the judicial circuit in which the violation occurred.

Section 4. {Severability clause.}

Section 5. {Repealer clause.}

Section 6. {Effective date.}

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