

LIMITATION OF CRIMINAL ACTIONS

802.1 Murder.

A prosecution for murder in the first or second degree may be commenced at any time after the death of the victim.

[C51, § 2811; R60, § 4513; C73, § 4165; C97, § 5163; C24, 27, 31, 35, 39, § **13442**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, § 752.1; C79, 81, § 802.1]

802.2 Sexual abuse first, second, or third degree.

1. An information or indictment for sexual abuse in the first, second, or third degree committed on or with a person who is under the age of eighteen years shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age, or if the identity of the person against whom the information or indictment is sought is established through the use of a DNA profile, an information or indictment shall be found within three years from the date the identity of the person is identified by the person's DNA profile, whichever is later.

2. An information or indictment for any other sexual abuse in the first, second, or third degree shall be found within ten years after its commission, or if the identity of the person against whom the information or indictment is sought is established through the use of a DNA profile, an information or indictment shall be found within three years from the date the identity of the person is identified by the person's DNA profile, whichever is later.

3. As used in this section, "*identified*" means a person's legal name is known and the person has been determined to be the source of the DNA.

85 Acts, ch 174, §2; 90 Acts, ch 1066, § 1; 94 Acts, ch 1128, §3; 2000 Acts, ch 1027, §1; 2005 Acts, ch 158, §36

802.2A Incest sexual exploitation by a counselor, therapist, or school employee.

1. An information or indictment for incest under section 726.2 committed on or with a person who is under the age of eighteen shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age. An information or indictment for any other incest shall be found within ten years after its commission.

2. An indictment or information for sexual exploitation by a counselor, therapist, or school employee under section 709.15 committed on or with a person who is under the age of eighteen shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age. An information or indictment for any other sexual exploitation shall be found within ten years of the date the victim was last treated by the counselor or therapist, or within ten years of the date the victim was enrolled in or attended the school.

2001 Acts, ch 63, §1; 2003 Acts, ch 180, §66

802.3 Felony aggravated or serious misdemeanor.

In all cases, except those enumerated in sections 802.1, 802.2, and 802.2A, an indictment or information for a felony or aggravated or serious misdemeanor shall be found within three years after its commission.

[C51, § 2813; R60, § 4515; C73, § 4167; C97, § 5165; C24, 27, 31, 35, 39, § **13444**; C46, 50, 54, 58, 62, 66,

71, 73, 75, 77, § 752.3; C79, 81, § 802.3; 81 Acts, ch 204, § 10]

85 Acts, ch 174, § 3; 92 Acts, ch 1199, § 7; 2000 Acts, ch 1027, §2; 2001 Acts, ch 63, §2

Footnotes

Other exceptions, see §802.5, 802.6, 802.9

802.4 Simple misdemeanor ordinance.

A prosecution for a simple misdemeanor or violation of a municipal or county rule or ordinance shall be commenced within one year after its commission.

[C73, § 4168; C97, § 5166; C24, 27, 31, 35, 39, § **13445**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, § 752.4; C79, 81, § 802.4]

802.5 Extension for fraud, fiduciary breach.

If the periods prescribed in sections 802.3 and 802.4 have expired, prosecution may nevertheless be commenced for any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has legal duty to represent an aggrieved party and who is not a party to the offense, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years.

[C79, 81, § 802.5; 81 Acts, ch 204, § 11]

2003 Acts, ch 108, §115

802.6 Periods excluded from limitation.

1. When a person leaves the state, the indictment or information may be found within the time herein limited after the person's coming into the state, and no period during which the party charged was not publicly resident within the state is a part of the limitation.

2. The time within which an indictment or information must be found shall not include the time during which the defendant is a public officer or employee and the offense arises from misconduct relating to the duties and trust of that office or employment.

[C51, § 2814; R60, § 4516; C73, § 4169; C97, § 5167; C24, 27, 31, 35, 39, § **13446**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, § 752.5; C79, 81, § 802.6]

2002 Acts, ch 1116, §1

802.7 Continuing crimes.

When an offense is based on a series of acts committed at different times, the period of limitation prescribed by this division shall commence upon the commission of the last of such acts.

[C79, 81, § 802.7]

802.8 Time of finding indictment and information.

Within the meaning of this chapter:

1. An indictment is found when it is duly presented by the grand jury in open court and filed.

2. An information is found when it is filed.

[C51, § 2815; R60, § 4517; C73, § 4170; C97, § 5168; C24, 27, 31, 35, 39, § **13447**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, § 752.6; C79, 81, § 802.8]

802.9 Indictment or information where a defect is found.

If a defect, error, or irregularity is discovered in any indictment or information which, on motion of either party, causes same to be dismissed or the prosecution to be set aside or reversed on appeal, a new indictment or information may be found within thirty days after such action notwithstanding the time limitations enumerated in this chapter.

[C51, § 2949, 3251, 3252; R60, § 4699, 4711, 4712, 50115013; C73, § 4344, 4356, 4357, 46174619; C97, § 5326, 5331, 5539; C24, 27, 31, 35, 39, § **13788, 13796, 13797, 14027**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, § 776.9, 777.8, 777.9, 795.5; C79, 81, § 802.9]