

Georgia's Statutes of Limitations for Sex Offenses

Under O.C.G.A. § 17-3-1, prosecutions for felonies must be commenced no later than four years after the commission of the crime (prosecution is "commenced" on the date that a formal indictment or accusations is filed). This provision is subject to certain exceptions, including a lengthier statute of limitations of seven years if the victim was under the age of 16 at the time of the offense. Prosecutions for [rape](#) must be commenced within 15 years.

Where DNA evidence is used to establish the identity of the accused, a prosecution for the following offenses may be commenced at any time: armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, and aggravated sexual battery.

O.C.G.A. § 17-3-2.1 sets out the statute of limitations for most sex offenses involving children under the age of 16. The applicable statute of limitations will depend on the date of the alleged offense as set out below:

For offenses committed between July 1, 1992 and June 30, 2012, if the alleged victim of one of the following offenses is under 16 years of age, the statute of limitations (seven years) shall not begin to run until the victim has reached the age of 16 or the violation is reported to law enforcement:

- Cruelty to children, O.C.G.A. § 16-5-70;
- [Rape](#), O.C.G.A. § 16-6-1;
- [Sodomy or aggravated sodomy](#), O.C.G.A. § 16-6-2;
- [Statutory Rape](#), O.C.G.A. § 16-6-3;
- [Child molestation or aggravated child molestation](#), O.C.G.A. § 16-6-4;
- [Enticing a child for indecent purposes](#), O.C.G.A. § 16-6-5;
- Incest, O.C.G.A. § 16-6-22;

For offenses committed on and after July 1, 2012, if the alleged victim of one of the following offenses is under 16 years of age and the offense is not being prosecuted as a misdemeanor, there is no statute of limitations and a prosecution may be commenced at any time:

- Trafficking a person for sexual servitude, O.C.G.A. § 16-5-46;
- Cruelty to children in the first degree, O.C.G.A. § 16-5-70;
- [Rape](#), O.C.G.A. § 16-6-1;
- [Aggravated sodomy](#), O.C.G.A. § 16-6-2;
- [Child molestation or aggravated child molestation](#), O.C.G.A. § 16-6-4;
- [Enticing a child for indecent purposes](#), O.C.G.A. § 16-6-5;
- Incest, O.C.G.A. § 16-6-22;

Any offense against a child under the age of 16 not listed above will be subject to the general seven year statute of limitations set out in O.C.G.A. § 17-3-1.