

## **PURPOSE OF CRIMINAL STATUTES OF LIMITATIONS**

Statutes of limitations for crimes prohibit the state from prosecuting defendants after the passage of an express period of time following commission of an offense. *United States v. Marion*, 404 U.S. 307, 322-23 (1971); *Toussie v. United States*, 397 U.S. 112, 114-15 (1970).

Statutes of limitation are designed to prevent prejudice to defendants by preventing prosecutors from bringing stale charges when the defense would be handicapped by the inevitable loss of evidence. See *Marion*, 404 U.S. at 322-23; *Toussie*, 397 U.S. at 114-15. Statutes of limitation are the "primary guarantee against bringing overly stale criminal charges," *United States v. Ewell*, 383 U.S. 116, 122 (1966), and are the primary form of protection against prejudice resulting from preindictment delay. *United States v. Dallago*, 311 F. Supp. 227, 235 (E.D.N.Y. 1970).

Statutes of limitations reflect a legislative determination that there is a point after which society's interest in the administration of justice is subordinate to a defendant's right to a fair trial. *Marion*, 404 U.S. at 322. "Such statutes represent legislative assessments of relative interests of the State and the defendant in administering and receiving justice. [They] provide predictability by specifying a limit beyond which there is an irrebuttable presumption that a defendant's right to a fair trial would be prejudiced." *Id.*

## Vermont Criminal Statutes of Limitations

Offense	Limitations Period	Comments
Aggravated sexual assault, aggravated sexual assault of a child, sexual assault, human trafficking, aggravated human trafficking, murder, arson causing death, and kidnapping	None; prosecutions may be brought at any time after commission of the offense	<p>2017 Act 44 (creating prohibited conduct misdemeanor): sexual assault moved from 6 years to none</p> <p>2011 Act 55 created human trafficking offenses with no limitations periods</p> <p>2009 Act 58 added aggravated sexual assault of a child, crime created during that session</p>
Lewd and lascivious conduct committed against a child under 18; sexual exploitation of a minor under 13 V.S.A. § 3258(c); lewd or lascivious conduct with a child; sexual exploitation of children under 13 V.S.A. chapter 64; manslaughter committed against a child under 18	40 years	<p>2017 Act 44 (creating prohibited conduct misdemeanor): sexual exploitation of children increased from 6 years to 40 years.</p> <p>2013 Act 62 (increasing SOL for certain crimes against children): increased period for all offenses in this category to 40 years from 10 years</p> <p>2009 Act 58 increased period for all offenses in this category from 6 years to 10 years</p> <p>2009 Act 58 added sexual exploitation of minor, crime created during that session</p>
Arson	11 years	
Manslaughter, lewd and lascivious conduct, sexual abuse of a vulnerable adult, grand larceny, robbery, burglary, embezzlement, forgery, bribery offenses, false claims, fraud under 33 V.S.A. § 141(d), and felony tax offenses	6 years	2011 Act 6: sexual abuse of a vulnerable adult increased from 3 years to 6 years
All other crimes not specified	3 years	