

Oregon Criminal Statute of Limitations

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by [Diana Fitzpatrick \(/law-authors/diana-fitzpatrick.html\)](/law-authors/diana-fitzpatrick.html), J.D.

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Below are the statutes of limitation for criminal cases in Oregon which set forth the time periods within which a legal proceeding must be commenced. If the state fails to bring a case within the specified time period, it loses its right to prosecute for that crime forever. In general, violent crimes have a longer statute of limitations, and with some crimes there is no statute of limitations. In certain instances, the statute of limitations may be tolled, or suspended, which grants the state additional time to commence a legal action.

Or. Rev. Stat. §§ 131.125, 131.135, 131.145, 131.155

Felonies

Aggravated murder, murder, attempted murder or aggravated murder, conspiracy or solicitation to commit aggravated murder or murder or any degree of manslaughter: no limit

Criminal mistreatment and certain felony sexual offenses (including rape, sodomy, unlawful sexual penetration, incest, sexual abuse, and compelling or promoting prostitution): Within six years after the commission of the crime, or if the victim at the time of the crime was under 18 years of age, within 12 years after the offense is reported to a law enforcement agency or the Department of Human Services or anytime before the victim attains 30 years of age, whichever occurs first.

Other felonies: within three years

See statutes for other limitation period information

Misdemeanors

Sexual abuse in the third degree, exhibiting an obscene performance to a minor, displaying obscene materials to minors: within four years after the commission of the crime or, if the victim at the time of the crime was under 18 years of age, anytime before the victim attains 22 years of age or within four years after the offense is reported to a law enforcement agency or the Department of Human Services, whichever occurs first.

Other misdemeanors: two years

See statutes for other limitation period information

Other provisions

Violations: Six months

DNA Evidence

If the defendant is identified on the basis of DNA samples, a prosecution for:

- Rape in the first degree, sodomy in the first degree, unlawful sexual penetration in the first degree or sexual abuse in the first degree may be commenced at any time after the commission of the crime.
- Rape in the second degree, sodomy in the second degree or unlawful sexual penetration in the second degree may be commenced within 25 years after the commission of the crime.

Under certain circumstances such prosecution must be commenced within two years of the DNA-based identification of the defendant.

Tolling Provisions

The time limitations for prosecution are tolled (suspended) during any period in which:

- the accused is not an inhabitant of or usually resident in the state
- the accused hides within the state so as to prevent being served with process

If, when the offense is committed, the accused is out of the state, the action may be commenced within the time listed in the statute after the coming of the accused into the state.

Maximum period of tolling: three years

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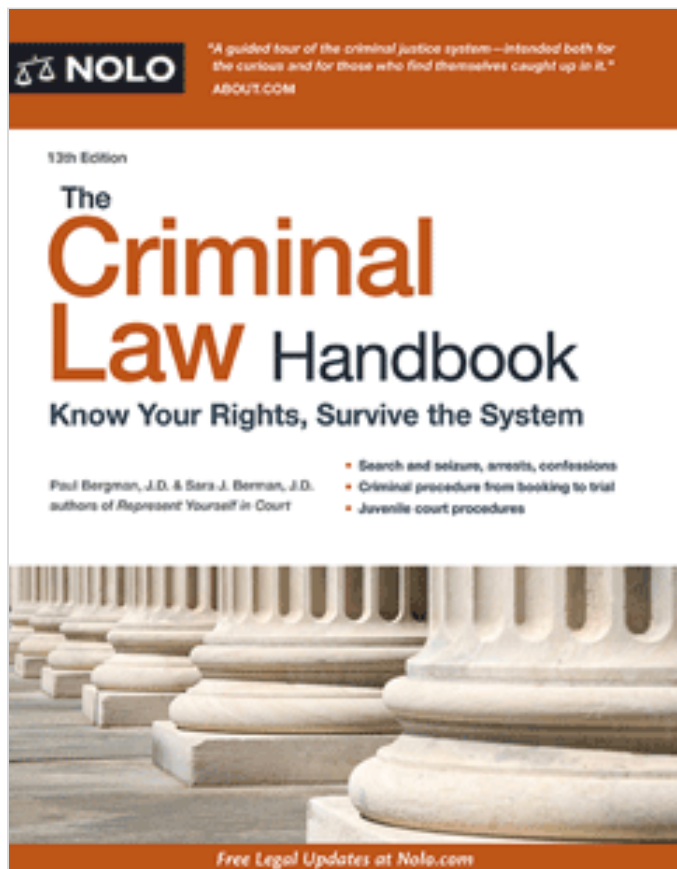
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