



# TACIR INSIGHT

TENNESSEE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

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## TENNESSEE'S CRIMINAL STATUTES OF LIMITATIONS

### Background

**Criminal statutes of limitations (“SOL”)** are laws that set time limits for the prosecution of a crime after it occurs. After the relevant SOL period expires, the state can no longer bring charges, even if more than enough evidence of the perpetrator’s guilt is later obtained. According to legal experts, SOLs are a matter of legislative choice and represent efforts to balance the competing interests of protecting defendants from inaccurate charges from the past while maintaining public safety and finding justice for victims.

Prompted by testimony of a child sexual abuse survivor whose abuser escaped prosecution because of the state’s SOL, the Tennessee General Assembly passed Public Chapter 849, Acts of 2018, which directed TACIR to perform a study on Tennessee’s criminal SOLs and specified that the study include information on the SOLs on the prosecution of sexual offenses. The Commission’s report explains that for the most serious crimes—such as murder and child rape offenses—most states have no time limits on prosecution. Tennessee, unlike the large majority of other states, still has time limits on the prosecution of second degree murder and for child rape offenses. In the last two decades, at the urging of child sexual abuse survivors, many states have eliminated or extended the SOL for various child sexual abuse crimes. Research shows that victims of child sexual abuse often do not disclose the sexual abuse until much later in life, if they disclose at all.

### TACIR’s Policy Recommendations

- At a minimum, Tennessee law should be amended to clarify a drafting error found at Tennessee Code Annotated, Section 40-2-101(h)(2) and (i)(2), which has the unintentional effect of shortening the statute of limitation for rape offenses committed against minors.
- Similar to the 48 other states that have no SOL for second degree murder, Tennessee may want to consider either extending or eliminating the statute of limitation for second degree murder.
- Recognizing the special circumstances of child sexual abuse and the legitimate reasons why a complaint often cannot be made until many years after the abuse, Tennessee should fully eliminate the SOL for class A and B felony child sexual abuse crimes and consider extending or eliminating the SOL for other child sexual abuse crimes.

See TACIR’s full report at the following link for additional information: <https://www.tn.gov/tacir/tacir-publications/publications-by-date.html>.

## What is TACIR?

TACIR was created to monitor federal, state, and local government relations and to make recommendations for improvement to the General Assembly.

TACIR serves as a bipartisan forum for the discussion of intergovernmental issues and may initiate studies resulting in legislative proposals and constitutional amendments.

TACIR responds to requests for technical assistance from the General Assembly, state agencies, and local governments.

TACIR has 25 members appointed by the Governor, the Speaker of the Senate, and the Speaker of the House. The members include

- 4 Senators
- 4 Representatives
- Chair, Senate, Finance, Ways & Means
- Chair, House, Finance, Ways & Means
- Comptroller of the Treasury
- 10 Local Government
- 2 Executive Branch
- 2 Private Citizens

