

TITLE 19
CRIMINAL PROCEDURE

CHAPTER 4
TIME OF COMMENCING CRIMINAL ACTIONS

19-401. NO STATUTE OF LIMITATIONS FOR CERTAIN FELONIES. Notwithstanding any other provision of law, there is no limitation of time within which a prosecution for the following crimes must be commenced:

- (1) Murder;
- (2) Voluntary manslaughter;
- (3) Rape pursuant to section [18-6101](#) (3) through (10), Idaho Code;
- (4) Sexual abuse of a child or lewd conduct with a child as set forth in sections [18-1506](#) and [18-1508](#), Idaho Code; or
- (5) An act of terrorism as set forth in sections [18-8102](#), [18-8103](#), [18-3322](#), [18-3323](#) and [18-3324](#), Idaho Code.

[19-401, added 1972, ch. 336, sec. 5, p. 986; am. 2000, ch. 277, sec. 2, p. 900; am. 2001, ch. 142, sec. 1, p. 507; am. 2003, ch. 280, sec. 2, p. 757; am. 2006, ch. 39, sec. 1, p. 116; am. 2010, ch. 352, sec. 9, p. 927; am. 2011, ch. 27, sec. 3, p. 69; am. 2016, ch. 296, sec. 11, p. 840.]

19-402. COMMENCEMENT OF PROSECUTIONS FOR FELONIES. A prosecution for any felony other than those specified in section [19-401](#), Idaho Code, must be commenced by the filing of the complaint or the finding of an indictment within five (5) years after its commission, provided however, a prosecution under sections [18-1506A](#) and [18-1506B](#), Idaho Code, must be commenced within three (3) years after the date of initial disclosure by the victim to law enforcement.

[19-402, added 1972, ch. 336, sec. 5, p. 986; am. 1985, ch. 157, sec. 1, p. 416; am. 1989, ch. 270, sec. 2, p. 659; am. 1990, ch. 210, sec. 3, p. 468; am. 1992, ch. 146, sec. 1, p. 442; am. 2000, ch. 277, sec. 3, p. 900; am. 2001, ch. 142, sec. 2, p. 508; am. 2002, ch. 222, sec. 9, p. 630; am. 2003, ch. 280, sec. 3, p. 757; am. 2006, ch. 39, sec. 2, p. 117; am. 2019, ch. 130, sec. 2, p. 465.]

19-403. MISDEMEANORS. (1) Except as otherwise provided in this section, a prosecution for any misdemeanor must be commenced by the filing of the complaint or the finding of an indictment within one (1) year after its commission.

(2) A prosecution for failure to report or failure to cause to be reported the abuse, abandonment, or neglect of a child as provided for in section [16-1605](#), Idaho Code, must be commenced by the filing of the complaint or the finding of an indictment within four (4) years after its commission.

(3) A prosecution for misuse of funds as provided for in section [18-5702](#) (1), Idaho Code, must be commenced by the filing of the complaint or the finding of an indictment within five (5) years after its commission.

(4) A prosecution for a misdemeanor that was dismissed pursuant to section [19-3509](#), Idaho Code, must be refiled no later than two (2) years after its dismissal.

[19-403, as added by 1972, ch. 336, sec. 5, p. 986; am. 2007, ch. 124, sec. 1, p. 374; am. 2008, ch. 56, sec. 5, p. 146; am. 2019, ch. 305, sec. 5, p. 911.]

19-404. ABSENCE OF DEFENDANT FROM STATE. If, when the offense is committed, the defendant is out of the state, the indictment may be found within the term herein limited after his coming within the state, and no time during which the defendant is not an inhabitant of, or usually resident within, the state is part of the limitation.

[19-404, added 1972, ch. 336, sec. 5, p. 986.]

19-405. INDICTMENT -- WHEN DEEMED FOUND. An indictment is found, within the meaning of this chapter, when it is presented by the grand jury in open court, and there received and filed.

[(19-405) Cr. Prac. 1864, sec. 97, p. 225; R.S., R.C., & C.L., sec. 7504; C.S., sec. 8705; I.C.A., sec. 19-405.]

19-406. COMMENCEMENT OF PROSECUTIONS FOR SEXUAL EXPLOITATION BY MEDICAL CARE PROVIDER. A prosecution for sexual exploitation by a medical care provider under section [18-919](#), Idaho Code, must be commenced by the filing of the complaint or the finding of an indictment within two (2) years after its commission.

[19-406, added 1996, ch. 300, sec. 2, p. 989.]