



If you've been sexually assaulted in Louisiana, two common options for legal relief are:



The **criminal** justice system (reporting to law enforcement, ideally leading to a full investigation, arrest, prosecution, conviction, and incarceration);

- OR -



Filing a lawsuit for monetary damages in a **civil** court against the abuser (and/or against any other party/entity potentially responsible, like an employer in a workplace incident, for example)

In both instances, you have a *specific period of time within which to act*, or you could forever lose your right to seek legal relief. That period of time to act is known as the "**statute of limitations**" period or the "**prescriptive**" period. Determining the applicable statute of limitations period for the abuse, either in the criminal or civil context, can be a *very complex process*. Thus, to best preserve your legal rights, it is recommended that you consult with an attorney familiar with this particular subject matter.

LaFASA

Louisiana Foundation Against Sexual Assault

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Office: 225-372-8995



Visit www.Lafasa.org to find local resources and free support and materials.



If you or someone you know has experienced sexual harm contact LaFASA's free and anonymous helpline to have your questions answered, if you need someone "there" for you, or for more resources in your parish.

Connect with a support specialist by:
Text - 225.351.(SAFE) 7233
Chat - lafasa.org or
Talk - 888.995.7273 (English/Spanish)

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How much Time do I have to take Legal Action?

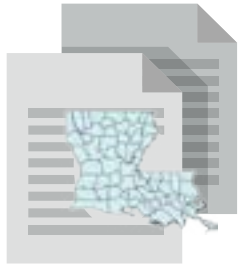


A brief informational guide on statutes of limitations in Louisiana for survivors of sexual assault.

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Different limitations periods apply to different sex crimes, so, to determine the applicable limitations period, the first step is to identify which sex crime was likely committed.



Each crime has certain factual elements (for example, the ages of the victim and offender, number of offenders, if weapons or other crimes were involved, the type of force used, and so on).

So, all the facts need to be carefully considered to determine which crime prosecutors will attempt to prosecute. And, to make matters more complex, the elements of a crime may change through passage of new laws AND the applicable limitations period may change as well. The elements of the crime and the applicable limitations period that were in the law books *at the time the crime occurred* is what controls the time limitation analysis. Also, in certain circumstances, the limitations clock does not begin to run (like when the offender is hiding from law enforcement). These factors provide even further need to consult a knowledgeable attorney to help analyze the applicable statute of limitations period.



Some general information on our statutes of limitation to keep in mind before you meet with any experienced attorney are as follows:

CRIMINAL CASES:

There is **NO** period of limitation for First Degree Rape or Second Degree Rape;

However, for Third Degree Rape the limitation period is **six (6) years**;

For a long list of sex crimes involving survivors under the age of seventeen (17) (including molestation, "statutory rape," human trafficking, child pornography, to name a few), the limitation period is **thirty (30) years after the survivor reaches the age of eighteen (18)**;

Criminal charges must be initiated before the limitation period has run.

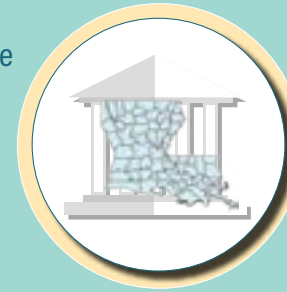


CIVIL CASES:

The time limitation to file a lawsuit for damages resulting from sexual assault is **three (3) years**, and the clock begins to run from the day the injury/damage is sustained OR the day the survivor is notified of the identity of the offender by law enforcement or a court, whichever is later.

There is **NO TIME LIMITATION PERIOD** for a lawsuit against a person for *sexual abuse of a minor* (or for physical abuse of a minor resulting in permanent impairment or permanent physical injury/scarring); For survivors who were not previously able to file a lawsuit for abuse as described above (until

2021, there was a time limitation: ten (10) years after the survivor reached the age of eighteen (18)), they have a "lookback period" until **June of 2024** to file their lawsuit if they so choose.



The options presented in this brochure are not your only options. If you feel you need protection from your abuser, either as an alternative to seeking justice through the criminal system, or because that process is taking too long, or because an investigation and/or prosecution has stalled or ended, you may seek a protective order in civil court. [See LaFASA's brochure "The Path to a Protective Order" found on the publications website page.] Also, because justice looks different for every survivor, you may choose to avoid the legal system (criminal and civil) altogether and instead seek healing through counseling, group therapy, and/or other available means of restorative justice. [See lafasa.org/main/publications_and_resources for helpful information.]

LaFASA's legal program provides *pro bono* legal consultation to survivors statewide and can help navigate the criminal justice system and protect constitutionally vested rights as a survivor.

Contact the office to speak with the staff attorney at 225.372.7587.