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Rape and statute of limitation since the April 21, 2021 act

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#Rape #Limitation

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The rules of limitation have undergone a succession of reforms over the last few years, the most recent evolution being the result of law n° 2021-478 of April 21, 2021. A distinction must be made according to whether the victim was an adult (I) or a minor (II) at the time of the rape.

I. Statute of limitation for adult victims

When the victim was an adult at the time of the events, the statute of limitations for rape is in principle 20 years from the day the events took place [1].

II. Statute of limitation for minor victims

If a victim of rape who was a minor at the time of the facts can take legal action until the age of 48 (1), a mechanism resulting from the law of April 21, 2021 allows, in certain hypotheses, to extend this prescription period even further (2).

A. The principle of a 30-year period from the age of majority

When the victim was a minor at the time of the crime, the statute of limitations for rape is 30 years from the date of majority [2]. In other words, the victim of a rape, a minor at the time of the facts, has until the age of 48 to file a complaint.

As we shall see, certain events can, however, extend this limitation period even further.

B. In some cases, a "sliding" statute of limitations

Law no. 2021-478 of 21 April 2021 introduces a mechanism known as "sliding" prescription [3]. With this new provision, the statute of limitations for rape of a minor can be extended when, before the expiry of the above-mentioned 30-year period, the same perpetrator commits a new rape, sexual assault or sexual molestation on another minor.

In this case, the original 30-year limitation period may be extended until the limitation period for the second offence expires.

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[1] Art. 7, para. 1, C. proc. pén.

[2] Art. 7, para. 3, C. Proc.

[3] Art. 7, para. 3, C. proc. pén.