

PRESCRIPTION

The law provides a time limit to initiate criminal proceedings: it is **time limit after which a prosecution may not be brought**.

The period of prescription is **a period in which a victim can make a report and the state counsel's office can pursue**.

In default of victim or justice action, **the alleged perpetrator could not be sued, nor judged on its criminal guilt**.

The law provides as well, a period beyond which a **definitive sentence and non-executed cannot apply anymore**. The person remains guilty but cannot suffer the sanctions: this is **the lapse**.

What are the actions interrupting the time limit?

To avoid the reached time, it is **the victim or the state counsel's office responsibility' to act** in order to judge the alleged perpetrator.

Thus, the fact that a victim **reports near the law enforcement or by suing for civil injury in a criminal case interrupts the time limit**.

The state counsel's office acts to declare an infringement, to find out or to convince the authors allow the interruption of the time limit.

What are the time limit from the state counsel's office?

Time limits vary according to the type of infringement, the age or the victims' vulnerability.

- **General frame**

- **1 year for fines** (trashing goods, light violence...)
- **3 years for offences** (theft, assault and battery, fraud)
- **10 years for crimes** (rape, homicide...)

These time limits start, in principle, the day the wrongful was committed

- **Specificities**

- Crime or offences committed against a minor

As it is difficult for minor victims to report, it is possible for them to complain later, once they are adult. Thus, for certain crimes and offences committed against a minor, **the period to report is longer**.

– Sexual or moral harassment

Moral, sexual harassment...is a **repetitive behavior that lasts**.

In this case, the 3 years' time limit (for an offence) **starts from the last harassment act**. Thus, justice could take into consideration the whole acts, even if they last more than 3 years.

– Offences committed against a vulnerable person

For some people, it is difficult to be aware of the abuses. They are considered as vulnerable and benefit from more time to report.

A person is considered as vulnerable because of **age, disease, infirmity, physical or psychic disability or pregnancy**.

So the time limit starts from the day **the victim has the infringement in mind and is able to testify**.

This exception **concerned only a few offences**:

- Theft
- Fraud
- Exploitation (pressure for getting funds...)
- Trust abuse

– Press offences

Press offences are submitted to shorter time limit because the harm is immediate. Thus, in case of insult and slander for example, **3 months to 1 year period** applies.

– Trust abuse and misappropriation of funds

Those offences are **particularly dissimulated, the period only starts from the discovery of those trust abuse** and not from the facts.

What are the time limits?

- **3 years for fines (trashing goods, light violence...)**
- **5 years for offences (theft, assault and battery, fraud)**
- **20 years for crimes (rape, homicide...)**

Those time limits in principle, start **from the day the sentence became definitive, that is to say when no appeal is possible anymore**.

Any act from a magistrate or from the tax house aiming to execute the sentence interrupts the calculation of time limits.