Constrained by Statute: Why we have Statutes of Limitations

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In light of the recent Penn State University sex-abuse scandal, much has been made of the allegations against Syracuse University Assistant Coach Bernie Fine. Although he has been investigated on allegations of child sexual abuse, the county district attorney has announced that he cannot bring charges against Fine, as constrained by the statute of limitations. It is unfortunate that anyone who is credibly accused of such monstrous behavior will not be taken to trial, but this situation is a byproduct of a fair and efficient legal system.

Statutes of limitations, used since early Roman Law, set time limits for the prosecution of a crime or civil matter. These limits are generally set by the state legislature, and (in most cases) the court does not have the power to alter these limits for individual proceedings. After the allotted time period has expired since the offense, the court no longer has jurisdiction to try the case or impose punishment. Most states have enacted statutes of limitations for every crime except murder, or other especially heinous offenses.

Such statutes contribute significantly to the equity of court proceedings and the protection of individual citizens, although these contributions may not be immediately apparent to a lay person. Statues of limitations prevent stale and difficult to investigate cases, encourage an efficient resolution to cases, and deter fraudulent claims from being reported.

Life goes on after crimes are committed, and as such, much of the information and evidence can fade into obscurity. Witness’ memories can often become hazy, and details can be forgotten. Companies or state agencies, whether intentionally or otherwise, have often thrown out old records and evidence. Key witnesses may have even passed away since the crime was committed. Thus, the passage of time can turn verifiable facts into stale and disputable arguments, rendering a court trial far less effective.
As previously mentioned, cold cases can be very difficult to resolve. And while precious state resources are being used to solve old cases, new cases continue to build. Statutes of limitations allow resources to be used in a more efficient way, and allow all parties to move past antiquated matters. In civil cases, statutes of limitations ensure that the petitioner brings his complaint to court in a timely manner, to promote a swift and efficient resolution to the complaint.

Finally, statutes of limitations can deter the filing of fraudulent claims. Without such statutes, civil petitioners could wait to bring charges until they are certain that the respondent has discarded information that could prove his innocence. In criminal cases, defendants will be far less likely to remember their exact whereabouts on the night of a crime that took place long ago. This inhibits their ability to create a strong defense, and undermines the integrity of a court decision.

In regards to Bernie Fine’s case, the accusers have testified that much of the abuse happened in the 1980s. The statute of limitations stipulates that reporting must happen within five years of the alleged incidence of abuse, yet the alleged victims did not begin to tell their stories until much later. As unfortunate as it may seem, Fine is protected from being tried because of the long lapse between the alleged incidents and the time of reporting.

If this action took place in nearly any state but New York, there may be additional remedies. Many states have passed legislation that allows recovered memories of childhood abuse to be exempt from the statute of limitations, but New York is among the 5 states without such provisions. This case may serve as an example that could push New York to adopt new policies that help childhood victims, but new legislation takes time, and would only be applied to future cases.

Judicial systems strive to provide rights to the accuser, as well as the accused. Although the courts may appear to fail in some specific and unique circumstances, the rules upon which they are founded are designed to preserve liberty and justice for all.