
M E M O R A N D U M

March 23, 2020

To: Governors' Offices
From: Bill McBride, Executive Director
Re: State Tolling of Statutes of Limitations and Interstate Extraditions During COVID-19

NGA received questions from several states about tolling of statute of limitations and interstate extraditions during the COVID-19 outbreak. The following memorandum provides information on recent state actions to address these issues.

State Efforts to Toll Statutes of Limitations Tolling

In response to the coronavirus outbreak, state leaders have closed, limited, or postponed nonemergency and nonessential government functions, including limiting state court operations. To mitigate and prevent negative impacts that these limitations may have on individuals and ensure due process, they are also taking steps to toll statutes of limitations and extend court deadlines. Generally, this is handled through guidance or a directive provided by the state's supreme court. Some states are allowing for automatic tolling, while others require a request that the case be tolled.

Below are a handful of examples of how states are handling tolling of statutes of limitation:

- **Indiana** Supreme Court [order](#) that “tolls all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, mental health, and appellate matters; all judgments, support, and other orders; statutes of limitations; and in all other civil and criminal matters before the Indiana Tax Court and all circuit, superior, and city/town courts (“trial courts”) of the State of Indiana” through April 6.
- **Massachusetts** Supreme Court issued an [order](#) on March 17th, which provided that all statutes of limitations are tolled from the date of the order through April 21, 2020. Additionally, it extended deadlines, unless otherwise ordered by the appellate court.
- **Rhode Island** Supreme Court issued an [executive order](#) on March 17th. This order gives the court authority to grant an extension of statutes of limitations if the filing party convinces the court that the extension is “necessitated” by the COVID-19 pandemic. (This may differ for emergency or essential, noted in page two of the order). The Rhode Island Supreme Court approach limits all trials and non-essential emergency matters until April 17th, 2020.
- **Texas** Supreme Court [provided an emergency order](#) permitting judges to extend the statute of limitations in any civil case for a period ending no later than 30 days after the Governor’s state of disaster has been lifted. This is not automatic; rather, it is at the discretion of judges in civil cases.

- **Virginia** Supreme Court [declared a judicial emergency](#) on March 12, 2020. From March 16 to April 6, all non-essential, non-emergency court proceedings in all circuit and district courts were tolled and extended for 21 days.
- **West Virginia** Supreme Court of Appeals [declared a judicial emergency](#) and extended statutes of limitations and statutes of repose that would expire between March 23 and April 10 to all be extended to April 11, 2020.

Interstate Extraditions

We followed up with the Interstate Commission on Community Supervision for this request, which noted that a number of states have implemented restrictions on transfers. A full listing of states can be found here: <https://www.interstatecompact.org/covid19>. If you click on the state you can find additional information that the state has given to the Commission.

Additionally, the Commission approved an Emergency Guidelines policy that will allow for restrictions in travel, transfers, and returns up to 30-days. You can find the policy here: <https://www.interstatecompact.org/sites/default/files/2020-03/AP%202020-01%20Emergency%20Guidelines.pdf>.

For questions or concerns related to the contents of this memo, please contact NGA staff:

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