

FINAL BILL REPORT

SHB 1352

C 17 L 13

Synopsis as Enacted

Brief Description: Addressing the statute of limitations for sexual abuse against a child.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Holy, Hurst, Shea, Kristiansen, Parker, Warnick, Kochmar, Kretz, Manweller, Johnson, Rodne, Hayes, Schmick, Short, Klippert, Vick, Condotta, Overstreet and Bergquist).

House Committee on Public Safety
Senate Committee on Law & Justice

Background:

There are three tiers of statute of limitations for sex offenses.

Certain sex offenses may be prosecuted up to a victim's twenty-eighth birthday:

- Rape of a Child in the first or second degrees;
- Child Molestation in the first, second, or third degrees;
- Indecent Liberties when the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless; or
- Incest.

Rape in the first or second degree has different statute of limitations schemes depending on the age of the victim and whether the offense was reported within one year. According to these criteria, if the offense:

- was reported within one year and the victim was under 14 years, it may be prosecuted up to the victim's twenty-eighth birthday;
- was reported within one year and the victim was 14 years or over, it may be prosecuted up to 10 years after the offense;
- was not reported within one year and the victim was under 14 years, it may be prosecuted up to seven years after the offense; or
- was not reported within one year and the victim was 14 years or over, it may be prosecuted up to three years after the offense.

For all other sex offenses, the period of statute of limitations is three years.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The period of statute of limitations for any sex offense commences on the date of the offense or one year from the date by which the identity of the suspect is established by deoxyribonucleic acid (DNA).

Summary:

The following offenses may be prosecuted up to the victim's thirtieth birthday, if the victim was under 18 years old when the offense was committed:

- Rape in the first or second degree;
- Rape of a Child in the first or second degrees;
- Child Molestation in the first, second, or third degrees;
- Indecent Liberties when the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless;
- Incest; or
- Sexual Exploitation of a Minor.

If the victim was over 18 years old, Rape in the first or second degrees may be prosecuted up to 10 years after the act, if the offense was reported within one year, or up to three years after the act, if the offense was not reported within one year.

All other sex offenses may be prosecuted up to three years from the date of the act.

The period of statute of limitations for any sex offense commences on the date of the offense or one year from the date by which the identity of the suspect is established by DNA or by photograph.

Votes on Final Passage:

House	95	0
Senate	48	0

Effective: July 28, 2013