
HOUSE BILL 1352

State of Washington

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By Representatives Holy, Hurst, Shea, Kristiansen, Parker, Warnick, Kochmar, Kretz, Manweller, Johnson, Rodne, Hayes, Schmick, Short, Klippert, Vick, Condotta, Overstreet, and Bergquist

Read first time 01/24/13. Referred to Committee on Public Safety.

1 AN ACT Relating to the statute of limitations for sexual abuse
2 against a child; amending RCW 9A.04.080 and 4.16.020; and repealing RCW
3 4.16.340.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9A.04.080 and 2012 c 105 s 1 are each amended to read
6 as follows:

7 (1) Prosecutions for criminal offenses shall not be commenced after
8 the periods prescribed in this section.

9 (a) The following offenses may be prosecuted at any time after
10 their commission:

11 (i) Murder;

12 (ii) Homicide by abuse;

13 (iii) Arson if a death results;

14 (iv) Vehicular homicide;

15 (v) Vehicular assault if a death results;

16 (vi) Hit-and-run injury-accident if a death results (RCW
17 46.52.020(4)).

18 (b) Except as provided in (c) of this subsection, the following

1 offenses shall not be prosecuted more than ten years after their
2 commission:

3 (i) Any felony committed by a public officer if the commission is
4 in connection with the duties of his or her office or constitutes a
5 breach of his or her public duty or a violation of the oath of office;

6 (ii) Arson if no death results; or

7 (iii)(A) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is
8 reported to a law enforcement agency within one year of its
9 commission(~~(; except that if the victim is under fourteen years of age
10 when the rape is committed and the rape is reported to a law
11 enforcement agency within one year of its commission, the violation may
12 be prosecuted up to the victim's twenty-eighth birthday))~~).

13 (B) If a violation of RCW 9A.44.040 or 9A.44.050 is not reported
14 within one year, the rape may not be prosecuted(~~(; (I))~~) more than
15 three years after its commission (~~((if the violation was committed
16 against a victim fourteen years of age or older; or (II) more than
17 three years after the victim's eighteenth birthday or more than seven
18 years after the rape's commission, whichever is later, if the violation
19 was committed against a victim under fourteen years of age))~~);

20 (iv) Indecent liberties under RCW 9A.44.100(1)(b).

21 (c) Violations of the following statutes, when committed against a
22 victim under the age of eighteen, may be prosecuted up to the victim's
23 ((twenty-eighth)) thirtieth birthday: RCW 9A.44.040 (rape in the first
24 degree), 9A.44.050 (rape in the second degree), 9A.44.073 (rape of a
25 child in the first degree), 9A.44.076 (rape of a child in the second
26 degree), 9A.44.079 (rape of a child in the third degree), 9A.44.083
27 (child molestation in the first degree), 9A.44.086 (child molestation
28 in the second degree), ((9A.44.070, 9A.44.080)) 9A.44.089 (child
29 molestation in the third degree), 9A.44.100(1)(b) (indecent liberties),
30 ((9A.44.079, 9A.44.089,)) or 9A.64.020 (incest).

31 (d) The following offenses shall not be prosecuted more than six
32 years after their commission or their discovery, whichever occurs
33 later:

34 (i) Violations of RCW 9A.82.060 or 9A.82.080;

35 (ii) Any felony violation of chapter 9A.83 RCW;

36 (iii) Any felony violation of chapter 9.35 RCW;

37 (iv) Theft in the first or second degree under chapter 9A.56 RCW
38 when accomplished by color or aid of deception; or

1 (v) Trafficking in stolen property in the first or second degree
2 under chapter 9A.82 RCW in which the stolen property is a motor vehicle
3 or major component part of a motor vehicle as defined in RCW 46.80.010.

4 (e) The following offenses shall not be prosecuted more than five
5 years after their commission: Any class C felony under chapter 74.09,
6 82.36, or 82.38 RCW.

7 (f) Bigamy shall not be prosecuted more than three years after the
8 time specified in RCW 9A.64.010.

9 (g) A violation of RCW 9A.56.030 must not be prosecuted more than
10 three years after the discovery of the offense when the victim is a tax
11 exempt corporation under 26 U.S.C. Sec. 501(c)(3).

12 (h) No other felony may be prosecuted more than three years after
13 its commission; except that in a prosecution under RCW 9A.44.115, if
14 the person who was viewed, photographed, or filmed did not realize at
15 the time that he or she was being viewed, photographed, or filmed, the
16 prosecution must be commenced within two years of the time the person
17 who was viewed or in the photograph or film first learns that he or she
18 was viewed, photographed, or filmed.

19 (i) No gross misdemeanor may be prosecuted more than two years
20 after its commission.

21 (j) No misdemeanor may be prosecuted more than one year after its
22 commission.

23 (2) The periods of limitation prescribed in subsection (1) of this
24 section do not run during any time when the person charged is not
25 usually and publicly resident within this state.

26 (3) In any prosecution for a sex offense as defined in RCW
27 9.94A.030, the periods of limitation prescribed in subsection (1) of
28 this section run from the date of commission or one year from the date
29 on which the identity of the suspect is conclusively established by
30 deoxyribonucleic acid testing, whichever is later.

31 (4) If, before the end of a period of limitation prescribed in
32 subsection (1) of this section, an indictment has been found or a
33 complaint or an information has been filed, and the indictment,
34 complaint, or information is set aside, then the period of limitation
35 is extended by a period equal to the length of time from the finding or
36 filing to the setting aside.

1 **Sec. 2.** RCW 4.16.020 and 2002 c 261 s 2 are each amended to read
2 as follows:

3 The period prescribed for the commencement of actions shall be as
4 follows:

5 (1) Within ten years:

6 ~~((+1))~~ (a) For actions for the recovery of real property, or for
7 the recovery of the possession thereof; and no action shall be
8 maintained for such recovery unless it appears that the plaintiff, his
9 or her ancestor, predecessor or grantor was seized or possessed of the
10 premises in question within ten years before the commencement of the
11 action.

12 ~~((+2))~~ (b) For an action upon a judgment or decree of any court of
13 the United States, or of any state or territory within the United
14 States, or of any territory or possession of the United States outside
15 the boundaries thereof, or of any extraterritorial court of the United
16 States, unless the period is extended under RCW 6.17.020 or a similar
17 provision in another jurisdiction.

18 ~~((+3))~~ (c) Of the eighteenth birthday of the youngest child named
19 in the order for whom support is ordered for an action to collect past
20 due child support that has accrued under an order entered after July
21 23, 1989, by any of the above-named courts or that has accrued under an
22 administrative order as defined in RCW 74.20A.020(6), which is issued
23 after July 23, 1989.

24 (2)(a) Within ten years or before the thirtieth birthday of the
25 person bringing the action, whichever occurs later, for an action based
26 on intentional conduct brought by any person for recovery of damages
27 for injury suffered as a result of childhood sexual abuse.

28 (b) As used in this subsection, "childhood sexual abuse" means any
29 act alleged to have been committed against a complainant who was less
30 than eighteen years of age at the time of the act and which act would
31 have been a violation of chapter 9A.44 RCW or RCW 9.68A.040 or prior
32 laws of similar effect at the time the act was committed.

33 NEW SECTION. **Sec. 3.** RCW 4.16.340 (Actions based on childhood
34 sexual abuse) and 1991 c 212 s 2, 1989 c 317 s 2, & 1988 c 144 s 1 are
35 each repealed.

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