
SUBSTITUTE SENATE BILL 5100

State of Washington

63rd Legislature

2013 Regular Session

By Senate Law & Justice (originally sponsored by Senators Hargrove and Padden)

READ FIRST TIME 02/11/13.

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

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

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

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

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

10 (i) Murder;

11 (ii) Homicide by abuse;

12 (iii) Arson if a death results;

13 (iv) Vehicular homicide;

14 (v) Vehicular assault if a death results;

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

17 (b) Except as provided in (c) of this subsection, the following
18 offenses shall not be prosecuted more than ten years after their
19 commission:

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

4 (ii) Arson if no death results; (~~or~~)

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

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

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

19 (c) Violations of the following statutes, when committed against a
20 victim under the age of eighteen, may be prosecuted up to the victim's
21 (~~twenty-eighth~~) thirtieth birthday: RCW 9A.44.040 (rape in the first
22 degree), 9A.44.050 (rape in the second degree), 9A.44.073 (rape of a
23 child in the first degree), 9A.44.076 (rape of a child in the second
24 degree), 9A.44.079 (rape of a child in the third degree), 9A.44.083
25 (child molestation in the first degree), 9A.44.086 (child molestation
26 in the second degree), (~~9A.44.070, 9A.44.080~~) 9A.44.089 (child
27 molestation in the third degree), 9A.44.100(1)(b) (indecent liberties),
28 (~~9A.44.079, 9A.44.089, or~~) 9A.64.020 (incest), or 9.68A.040 (sexual
29 exploitation of a minor).

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

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

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

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

36 (iv) Theft in the first or second degree under chapter 9A.56 RCW
37 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 or by photograph as defined in RCW
31 9.68A.011, whichever is later.

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

1 filing to the setting aside.

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