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SENATE BILL 5817

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State of Washington

60th Legislature

2007 Regular Session

By Senators Marr, Roach, Franklin, Rockefeller, Kohl-Welles, Hobbs, Spanel, Swecker, McAuliffe, Kilmer, Haugen, Berkey, Murray, Pflug, McCaslin, Weinstein, Tom, Delvin, Rasmussen, Kauffman, Oemig, Kline and Keiser

Read first time 02/01/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to limitation of actions for sex offenses committed  
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 2006 c 132 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 (vii) Any sex offense committed against a child under the age of  
18 eighteen.

1 (b) The following offenses shall not be prosecuted more than ten  
2 years after their 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) 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 three years after the victim's eighteenth birthday  
13 or up to ten years after the rape's commission, whichever is later. If  
14 a violation of RCW 9A.44.040 or 9A.44.050 is not reported within one  
15 year, the rape may not be prosecuted: (A) More than three years after  
16 its commission if the violation was committed against a victim fourteen  
17 years of age or older; or (B) more than three years after the victim's  
18 eighteenth birthday or more than seven years after the rape's  
19 commission, whichever is later, if the violation was committed against  
20 a victim under fourteen years of age)).~~

21 (c) Violations of the following statutes shall not be prosecuted  
22 more than (~~(three years after the victim's eighteenth birthday or more  
23 than))~~ seven years after their commission, whichever is later: RCW  
24 (~~(9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,)~~)  
25 9A.44.100(1)(b)(7) or 9A.64.020, if the victim is over eighteen years  
26 of age at the time of the crime.

27 (d) The following offenses shall not be prosecuted more than six  
28 years after their commission: Violations of RCW 9A.82.060 or  
29 9A.82.080.

30 (e) The following offenses shall not be prosecuted more than five  
31 years after their commission: Any class C felony under chapter 74.09,  
32 82.36, or 82.38 RCW.

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

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

1 (h) No other felony may be prosecuted more than three years after  
2 its commission; except that in a prosecution under RCW 9A.44.115, if  
3 the person who was viewed, photographed, or filmed did not realize at  
4 the time that he or she was being viewed, photographed, or filmed, the  
5 prosecution must be commenced within two years of the time the person  
6 who was viewed or in the photograph or film first learns that he or she  
7 was viewed, photographed, or filmed.

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

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

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

15 (3) In any prosecution for a sex offense as defined in RCW  
16 9.94A.030, unless the victim is a child under the age of eighteen, the  
17 periods of limitation prescribed in subsection (1) of this section run  
18 from the date of commission or one year from the date on which the  
19 identity of the suspect is conclusively established by deoxyribonucleic  
20 acid testing, whichever is later.

21 (4) If, before the end of a period of limitation prescribed in  
22 subsection (1) of this section, an indictment has been found or a  
23 complaint or an information has been filed, and the indictment,  
24 complaint, or information is set aside, then the period of limitation  
25 is extended by a period equal to the length of time from the finding or  
26 filing to the setting aside.

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