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HOUSE BILL 2960

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State of Washington

60th Legislature

2008 Regular Session

By Representatives Barlow, Goodman, O'Brien, Ormsby, Sequist, Kelley, McCoy, Pettigrew, Williams, Rolfes, Campbell, Morrell, and Simpson

Read first time 01/18/08. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to extending the statute of limitations for certain  
2 sex offenses against minors; 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) Rape in the first and second degree if the victim was under  
18 eighteen years of age at the time of the offense (RCW 9A.44.040 and  
19 9A.44.050);

1 (viii) Rape of a child in the first and second degree (RCW  
2 9A.44.073 and 9A.44.076);

3 (ix) Indecent liberties with forcible compulsion if the victim was  
4 under eighteen years of age at the time of the offense (RCW  
5 9A.44.100(1)(a)).

6 (b) The following offenses shall not be prosecuted more than ten  
7 years after their commission:

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

11 (ii) Arson if no death results; or

12 (iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is  
13 reported to a law enforcement agency within one year of its  
14 commission(~~(; except that if)~~) and the victim is (~~(under fourteen)~~)  
15 eighteen years of age (~~(when the rape)~~) or older on the date the crime  
16 is committed (~~(and the rape is reported to a law enforcement agency~~  
17 ~~within one year of its commission, the violation may be prosecuted up~~  
18 ~~to three years after the victim's eighteenth birthday or up to ten~~  
19 ~~years after the rape's commission, whichever is later)~~). If a  
20 violation of RCW 9A.44.040 or 9A.44.050 is not reported within one  
21 year, and the victim is eighteen years of age or older on the date the  
22 crime is committed, the rape may not be prosecuted(~~(; (A))~~) more than  
23 three years after its commission (~~(if the violation was committed~~  
24 ~~against a victim fourteen years of age or older; or (B) more than three~~  
25 ~~years after the victim's eighteenth birthday or more than seven years~~  
26 ~~after the rape's commission, whichever is later, if the violation was~~  
27 ~~committed against a victim under fourteen years of age)~~

28 (c) Violations of the following statutes shall not be prosecuted  
29 more than three years after the victim's eighteenth birthday or more  
30 than seven years after their commission, whichever is later: RCW  
31 (~~(9A.44.073, 9A.44.076,)~~) 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,  
32 9A.44.100(1)(b), or 9A.64.020.

33 (d) The following offenses shall not be prosecuted more than six  
34 years after their commission: Violations of RCW 9A.82.060 or  
35 9A.82.080.

36 (e) The following offenses shall not be prosecuted more than five  
37 years after their commission: Any class C felony under chapter 74.09,  
38 82.36, or 82.38 RCW.

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

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

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

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

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

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

20 (3) In any prosecution for a sex offense as defined in RCW  
21 9.94A.030, the periods of limitation prescribed in subsection (1) of  
22 this section run from the date of commission or one year from the date  
23 on which the identity of the suspect is conclusively established by  
24 deoxyribonucleic acid testing, whichever is later.

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

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