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SENATE BILL 5832

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State of Washington

61st Legislature

2009 Regular Session

By Senators Kohl-Welles, Stevens, and Marr; by request of Sentencing Guidelines Commission

Read first time 02/04/09. Referred to Committee on Judiciary.

1 AN ACT Relating to allowing the prosecution of sex offenses against  
2 minor victims until the victim's twenty-eighth birthday if the offense  
3 is listed in RCW 9A.04.080(1) (b)(iii)(A) or (c); and amending RCW  
4 9A.04.080.

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

6 **Sec. 1.** RCW 9A.04.080 and 2006 c 132 s 1 are each amended to read  
7 as follows:

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

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

12 (i) Murder;

13 (ii) Homicide by abuse;

14 (iii) Arson if a death results;

15 (iv) Vehicular homicide;

16 (v) Vehicular assault if a death results;

17 (vi) Hit-and-run injury-accident if a death results (RCW  
18 46.52.020(4)).

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) ~~(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 commission;  
9 except that if the victim is under fourteen years of age when the rape  
10 is committed and the rape is reported to a law enforcement agency  
11 within one year of its commission, the violation may be prosecuted up  
12 to ~~((three years after))~~ the victim's ~~((eighteenth))~~ twenty-eighth  
13 birthday ~~((or up to ten years after the rape's commission, whichever is~~  
14 ~~later))~~.

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

22 (c) Violations of the following statutes ~~((shall not))~~ may be  
23 prosecuted ~~((more than three years after))~~ up to the victim's  
24 ~~((eighteenth))~~ twenty-eighth birthday ~~((or more than seven years after~~  
25 ~~their commission, whichever is later))~~: RCW 9A.44.073, 9A.44.076,  
26 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080, 9A.44.100(1)(b), 9A.44.079,  
27 9A.44.089, or 9A.64.020.

28 (d) The following offenses shall not be prosecuted more than six  
29 years after their commission: Violations of RCW 9A.82.060 or  
30 9A.82.080.

31 (e) The following offenses shall not be prosecuted more than five  
32 years after their commission: Any class C felony under chapter 74.09,  
33 82.36, or 82.38 RCW.

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

36 (g) A violation of RCW 9A.56.030 must not be prosecuted more than  
37 three years after the discovery of the offense when the victim is a tax  
38 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, the periods of limitation prescribed in subsection (1) of  
17 this section run from the date of commission or one year from the date  
18 on which the identity of the suspect is conclusively established by  
19 deoxyribonucleic acid testing, whichever is later.

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

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