

# HOUSE BILL REPORT

## SB 5027

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### As Passed House:

April 4, 1995

**Title:** An act relating to the statute of limitations for homicide by abuse.

**Brief Description:** Extending the period of time within which a prosecution for homicide by abuse may be commenced.

**Sponsors:** Senators Smith, McCaslin, Rasmussen, Prentice, Kohl and Schow.

### Brief History:

#### Committee Activity:

Law & Justice: 3/17/95, 3/21/95 [DP].

#### Floor Activity:

Passed House: 4/4/95, 94-2.

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass. Signed by 16 members: Representatives Padden, Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

**Staff:** Pat Shelledy (786-7149).

**Background:** The state must prosecute a person for committing a felony within three years of the commission of the crime unless the Legislature specifically provides for an alternative statute of limitations. The crime of homicide by abuse is subject to the three-year statute of limitations. A person commits the crime of homicide by abuse if the person causes the death of a child under age 16, a dependent adult, or a developmentally disabled person under circumstances manifesting an extreme indifference to the victim's life and the defendant has a history of abusing the victim. The statute is most commonly invoked in chronic child abuse cases which ultimately result in a child's death but the state can't prove the defendant intended to kill the child. In contrast to the three-year statute of limitations for homicide by abuse, there is no statute of limitations for prosecuting murder in the first or second degree.

**Summary of Bill:** The state may prosecute a defendant for committing the crime of homicide by abuse at any time after the commission of the offense.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The current statute of limitations is too short given the seriousness of the crime. The state has been prevented from filing charges of homicide by abuse in a few cases when the evidence of the crime wasn't gathered until the current statute of limitations expired.

**Testimony Against:** None.

**Testified:** Tom McBride, Washington Association of Prosecuting Attorneys (pro).