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SENATE BILL 5724

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State of Washington                      55th Legislature                      1997 Regular Session

By Senators Wood, Roach and Haugen

Read first time 02/10/97. Referred to Committee on Law & Justice.

1            AN ACT Relating to limitation of actions; and reenacting and  
2 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 1995 c 287 s 5 and 1995 c 17 s 1 are  
5 each reenacted and amended to read 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            (b) The following offenses shall not be prosecuted more than ten  
14 years after their commission:

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

18            (ii) Arson if no death results; or

1 (iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is  
2 reported to a law enforcement agency within one year of its commission;  
3 except that if the victim is under fourteen years of age when the rape  
4 is committed and the rape is reported to a law enforcement agency  
5 within one year of its commission, the violation may be prosecuted up  
6 to three years after the victim's eighteenth birthday or up to ten  
7 years after the rape's commission, whichever is later. If a violation  
8 of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape  
9 may not be prosecuted: (A) More than three years after its commission  
10 if the violation was committed against a victim fourteen years of age  
11 or older; or (B) more than three years after the victim's eighteenth  
12 birthday or more than seven years after the rape's commission,  
13 whichever is later, if the violation was committed against a victim  
14 under fourteen years of age.

15 (c) Violations of the following statutes shall not be prosecuted  
16 more than three years after the victim's eighteenth birthday or more  
17 than seven years after their commission, whichever is later: RCW  
18 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,  
19 9A.44.100(1)(b), or 9A.64.020.

20 (d) The following offenses shall not be prosecuted more than six  
21 years after their commission: Violations of RCW 9A.82.060 or  
22 9A.82.080.

23 (e) The following offenses shall not be prosecuted more than five  
24 years after their commission: Any class C felony under chapter 74.09,  
25 82.36, or 82.38 RCW.

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

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

31 (h) No other felony may be prosecuted more than three years after  
32 its commission.

33 (~~(h)~~) (i) No gross misdemeanor may be prosecuted more than two  
34 years after its commission.

35 (~~(i)~~) (j) No misdemeanor may be prosecuted more than one year  
36 after its commission.

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

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

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