
HOUSE BILL 2933

State of Washington 56th Legislature 2000 Regular Session

By Representatives Koster, Ballasiotes, Boldt and B. Chandler

Read first time 01/24/2000. Referred to Committee on Judiciary.

1 AN ACT Relating to the statute of limitations on criminal
2 prosecutions; amending RCW 9A.04.080; and creating a new section.

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

4 **Sec. 1.** RCW 9A.04.080 and 1998 c 221 s 2 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 (b) The following offenses shall not be prosecuted more than ten
18 years after their commission:

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

4 (ii) Arson if no death results; or

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

19 (c) Violations of the following statutes shall not be prosecuted
20 more than three years after the victim's eighteenth birthday or more
21 than seven years after their commission, whichever is later: RCW
22 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,
23 9A.44.100(1)(b), or 9A.64.020.

24 (d) The following offenses shall not be prosecuted more than six
25 years after their commission: Violations of RCW 9A.82.060 or
26 9A.82.080.

27 (e) The following offenses shall not be prosecuted more than five
28 years after their commission: Any class C felony under chapter 74.09,
29 82.36, or 82.38 RCW.

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

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

35 (h) No other felony may be prosecuted more than three years after
36 its commission; except that in a prosecution under RCW 9A.44.115, if
37 the person who was viewed, photographed, or filmed did not realize at
38 the time that he or she was being viewed, photographed, or filmed, the
39 prosecution must be commenced within two years of the time the person

1 who was viewed or in the photograph or film first learns that he or she
2 was viewed, photographed, or filmed.

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

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

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

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

16 (4) Notwithstanding that the time limitations in this section have
17 expired, if the state has evidence consisting of fingerprints or a
18 deoxyribonucleic acid profile of a person who committed a crime against
19 persons as defined in RCW 9.94A.440 but comparisons of the evidence to
20 fingerprints or deoxyribonucleic acid profiles of known persons that
21 were made before the time limitations in this section expired did not
22 result in a probable identification of the person, a prosecution for
23 the violation may be commenced within one year after a comparison of
24 the fingerprints or deoxyribonucleic acid profile evidence relating to
25 the violation results in a probable identification of the person.

26 NEW SECTION. Sec. 2. This act first applies to offenses not
27 barred from prosecution on the effective date of this act.

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