
SENATE BILL 6561

State of Washington 64th Legislature 2016 Regular Session

By Senators Jayapal, Rivers, Cleveland, Fain, Keiser, Miloscia, Rolfes, Nelson, Litzow, Fraser, and Darneille

Read first time 01/26/16. Referred to Committee on Law & Justice.

1 AN ACT Relating to the statute of limitations for certain crimes;
2 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 2013 c 17 s 1 are each amended to read
5 as follows:

6 (1) Prosecutions for criminal offenses shall not be commenced
7 after 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 degree (RCW 9A.44.040);

18 (viii) Rape of a child in the first degree (RCW 9A.44.073);

19 (ix) Child molestation in the first degree (RCW 9A.44.083);

20 (x) Sexual misconduct with a minor in the first degree (RCW
21 9A.44.093);

1 (xi) Custodial sexual misconduct in the first degree (RCW
2 9A.44.160).

3 (b) Except as provided in (c) of this subsection, the following
4 offenses shall not be prosecuted more than ten years after their
5 commission:

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

10 (ii) Arson if no death results;

11 (iii)(A) Violations of RCW (~~(9A.44.040-04)~~) 9A.44.050 if the rape
12 is reported to a law enforcement agency within one year of its
13 commission.

14 (B) If a violation of RCW (~~(9A.44.040-04)~~) 9A.44.050 is not
15 reported within one year, the rape may not be prosecuted more than
16 three years after its commission; or

17 (iv) Indecent liberties under RCW 9A.44.100(1)(b).

18 (c) Violations of the following statutes, when committed against
19 a victim under the age of eighteen, may be prosecuted up to (~~the~~
20 ~~victim's thirtieth birthday~~) twenty years after the victim reaches
21 the age of majority as defined in RCW 26.28.010: RCW (~~(9A.44.040~~
22 ~~(rape in the first degree),~~) 9A.44.050 (rape in the second degree),
23 (~~(9A.44.073 (rape of a child in the first degree),~~) 9A.44.076 (rape
24 of a child in the second degree), 9A.44.079 (rape of a child in the
25 third degree), (~~(9A.44.083 (child molestation in the first degree),~~)
26 9A.44.086 (child molestation in the second degree), 9A.44.089 (child
27 molestation in the third degree), 9A.44.100(1)(b) (indecent
28 liberties), 9A.64.020 (incest), or 9.68A.040 (sexual exploitation of
29 a minor).

30 (d) The following offenses shall not be prosecuted more than six
31 years after their commission or their discovery, whichever occurs
32 later:

33 (i) Violations of RCW 9A.82.060 or 9A.82.080;

34 (ii) Any felony violation of chapter 9A.83 RCW;

35 (iii) Any felony violation of chapter 9.35 RCW;

36 (iv) Theft in the first or second degree under chapter 9A.56 RCW
37 when accomplished by color or aid of deception; (~~(04)~~)

38 (v) Trafficking in stolen property in the first or second degree
39 under chapter 9A.82 RCW in which the stolen property is a motor

1 vehicle or major component part of a motor vehicle as defined in RCW
2 46.80.010; or

3 (vi) Rape in the third degree (RCW 9A.44.060).

4 (e) The following offenses shall not be prosecuted more than five
5 years after their commission: Any class C felony under chapter 74.09,
6 82.36, or 82.38 RCW.

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

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

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

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

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

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

26 (3) In any prosecution for a sex offense as defined in RCW
27 9.94A.030, the periods of limitation prescribed in subsection (1) of
28 this section run from the date of commission or one year from the
29 date on which the identity of the suspect is conclusively established
30 by deoxyribonucleic acid testing or by photograph as defined in RCW
31 9.68A.011, whichever is later.

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

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