
SUBSTITUTE HOUSE BILL 1155

State of Washington 65th Legislature 2017 Regular Session

By House Public Safety (originally sponsored by Representatives Griffey, Orwall, Klippert, McCabe, Kraft, Caldier, Muri, Bergquist, Stanford, Fitzgibbon, McDonald, Doglio, and Macri)

READ FIRST TIME 01/24/17.

1 AN ACT Relating to making felony sex offenses a crime that may be
2 prosecuted at any time after its commission; and amending RCW
3 9A.04.080.

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

5 **Sec. 1.** RCW 9A.04.080 and 2013 c 17 s 1 are each amended to read
6 as follows:

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

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

11 (i) Murder;

12 (ii) Homicide by abuse;

13 (iii) Arson if a death results;

14 (iv) Vehicular homicide;

15 (v) Vehicular assault if a death results;

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

18 (vii) Rape in the first degree;

19 (viii) Rape in the second degree;

20 (ix) Rape in the third degree;

21 (x) Rape of a child in the first degree;

- 1 (xi) Rape of a child in the second degree;
2 (xii) Rape of a child in the third degree;
3 (xiii) Child molestation in the first degree;
4 (xiv) Child molestation in the second degree;
5 (xv) Child molestation in the third degree;
6 (xvi) Sexual misconduct with a minor in the first degree;
7 (xvii) Sexually violating human remains;
8 (xviii) Custodial sexual misconduct in the first degree;
9 (xix) Incest in the first degree;
10 (xx) Incest in the second degree;
11 (xxi) Sexual exploitation of a minor;
12 (xxii) Commercial sexual abuse of a minor;
13 (xxiii) Promoting commercial sexual abuse of a minor;
14 (xxiv) Promoting travel for commercial sexual abuse of a minor.

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

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

22 (ii) Arson if no death results; or

23 ~~(iii) ((A) Violations of RCW 9A.44.040 or 9A.44.050 if the rape~~
24 ~~is reported to a law enforcement agency within one year of its~~
25 ~~commission.~~

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

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

30 (c) A violation((s)) of ((the following statutes)) RCW
31 9A.44.100(1)(b) (indecent liberties), when committed against a victim
32 under the age of eighteen, may be prosecuted up to the victim's
33 thirtieth birthday(~~((: RCW 9A.44.040 (rape in the first degree),~~
34 ~~9A.44.050 (rape in the second degree), 9A.44.073 (rape of a child in~~
35 ~~the first degree), 9A.44.076 (rape of a child in the second degree),~~
36 ~~9A.44.079 (rape of a child in the third degree), 9A.44.083 (child~~
37 ~~molestation in the first degree), 9A.44.086 (child molestation in the~~
38 ~~second degree), 9A.44.089 (child molestation in the third degree),~~
39 ~~9A.44.100(1)(b) (indecent liberties), 9A.64.020 (incest), or~~
40 ~~9.68A.040 (sexual exploitation of a minor))~~).

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

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

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

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

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

9 (v) Trafficking in stolen property in the first or second degree
10 under chapter 9A.82 RCW in which the stolen property is a motor
11 vehicle or major component part of a motor vehicle as defined in RCW
12 46.80.010.

13 (e) The following offenses shall not be prosecuted more than five
14 years after their commission: Any class C felony under chapter 74.09,
15 82.36, or 82.38 RCW.

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

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

21 (h) No other felony may be prosecuted more than three years after
22 its commission; except that in a prosecution under RCW 9A.44.115, if
23 the person who was viewed, photographed, or filmed did not realize at
24 the time that he or she was being viewed, photographed, or filmed,
25 the prosecution must be commenced within two years of the time the
26 person who was viewed or in the photograph or film first learns that
27 he or she was viewed, photographed, or filmed.

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

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

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

35 (3) In any prosecution for a sex offense as defined in RCW
36 9.94A.030, the periods of limitation prescribed in subsection (1) of
37 this section run from the date of commission or one year from the
38 date on which the identity of the suspect is conclusively established
39 by deoxyribonucleic acid testing or by photograph as defined in RCW
40 9.68A.011, whichever is later.

1 (4) 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
6 or filing to the setting aside.

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