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ENGROSSED SUBSTITUTE SENATE BILL 5810

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State of Washington                      65th Legislature                      2017 Regular Session

By Senate Law & Justice (originally sponsored by Senator Padden)

READ FIRST TIME 02/17/17.

1            AN ACT Relating to adding attempted murder to the list of  
2 offenses that may not be prosecuted more than ten years their  
3 commission; amending RCW 9A.04.080; and declaring an emergency.

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            (b) Except as provided in (c) of this subsection, the following  
19 offenses shall not be prosecuted more than ten years after their  
20 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  
4 office;

5 (ii) Arson if no death results;

6 (iii)(A) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is  
7 reported to a law enforcement agency within one year of its  
8 commission.

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

12 (iv) Indecent liberties under RCW 9A.44.100(1)(b); or

13 (v) Attempted murder.

14 (c) Violations of the following statutes, when committed against  
15 a victim under the age of eighteen, may be prosecuted up to the  
16 victim's thirtieth birthday: RCW 9A.44.040 (rape in the first  
17 degree), 9A.44.050 (rape in the second degree), 9A.44.073 (rape of a  
18 child in the first degree), 9A.44.076 (rape of a child in the second  
19 degree), 9A.44.079 (rape of a child in the third degree), 9A.44.083  
20 (child molestation in the first degree), 9A.44.086 (child molestation  
21 in the second degree), 9A.44.089 (child molestation in the third  
22 degree), 9A.44.100(1)(b) (indecent liberties), 9A.64.020 (incest), or  
23 9.68A.040 (sexual exploitation of a minor).

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

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

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

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

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

32 (v) Trafficking in stolen property in the first or second degree  
33 under chapter 9A.82 RCW in which the stolen property is a motor  
34 vehicle or major component part of a motor vehicle as defined in RCW  
35 46.80.010.

36 (e) The following offenses shall not be prosecuted more than five  
37 years after their commission: Any class C felony under chapter 74.09,  
38 82.36, or 82.38 RCW.

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

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

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

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

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

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

18 (3) In any prosecution for a sex offense as defined in RCW  
19 9.94A.030, the periods of limitation prescribed in subsection (1) of  
20 this section run from the date of commission or one year from the  
21 date on which the identity of the suspect is conclusively established  
22 by deoxyribonucleic acid testing or by photograph as defined in RCW  
23 9.68A.011, whichever is later.

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

30 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
31 preservation of the public peace, health, or safety, or support of  
32 the state government and its existing public institutions, and takes  
33 effect immediately.

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