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HOUSE BILL 1231

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Griffey, Orwall, Irwin, Klippert, Kraft, MacEwen, Macri, Eslick, Caldier, Walen, Chambers, and Dent

Read first time 01/17/19. Referred to Committee on Public Safety.

1 AN ACT Relating to the statute of limitations for certain felony  
2 sex offenses; and reenacting 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 2017 c 266 s 9, 2017 c 231 s 2, and  
5 2017 c 125 s 1 are each reenacted and amended to read 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 of a child in the first degree;

18 (viii) Child molestation in the first degree.

19 (b) Except as provided in (c) of this subsection, the following  
20 offenses shall not be prosecuted more than ten years after their  
21 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;

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

13 (v) Attempted murder; or

14 (vi) Trafficking under RCW 9A.40.100.

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

26 (d) A violation of any offense listed in this subsection (1)(d)  
27 may be prosecuted up to ten years after its commission or, if  
28 committed against a victim under the age of eighteen, up to the  
29 victim's thirtieth birthday, whichever is later:

30 (i) RCW 9.68A.100 (commercial sexual abuse of a minor);

31 (ii) RCW 9.68A.101 (promoting commercial sexual abuse of a  
32 minor); or

33 (iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse  
34 of a minor).

35 (e) The following offenses shall not be prosecuted more than six  
36 years after their commission or their discovery, whichever occurs  
37 later:

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

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

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

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

3 (v) Theft from a vulnerable adult under RCW 9A.56.400; or

4 (vi) Trafficking in stolen property in the first or second degree  
5 under chapter 9A.82 RCW in which the stolen property is a motor  
6 vehicle or major component part of a motor vehicle as defined in RCW  
7 46.80.010.

8 (f) The following offenses shall not be prosecuted more than five  
9 years after their commission: Any class C felony under chapter 74.09,  
10 82.36, or 82.38 RCW.

11 (g) Bigamy shall not be prosecuted more than three years after  
12 the time specified in RCW 9A.64.010.

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

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

23 (j) No gross misdemeanor may be prosecuted more than two years  
24 after its commission.

25 (k) No misdemeanor may be prosecuted more than one year after its  
26 commission.

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

30 (3) In any prosecution for a sex offense as defined in RCW  
31 9.94A.030, the periods of limitation prescribed in subsection (1) of  
32 this section run from the date of commission or one year from the  
33 date on which the identity of the suspect is conclusively established  
34 by deoxyribonucleic acid testing or by photograph as defined in RCW  
35 9.68A.011, whichever is later.

36 (4) If, before the end of a period of limitation prescribed in  
37 subsection (1) of this section, an indictment has been found or a  
38 complaint or an information has been filed, and the indictment,  
39 complaint, or information is set aside, then the period of limitation

1 is extended by a period equal to the length of time from the finding  
2 or filing to the setting aside.

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