

# SENATE BILL REPORT

## SB 5027

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As Passed Senate, March 1, 1995

**Title:** An act relating to the statute of limitations for homicide by abuse.

**Brief Description:** Extending the period of time within which a prosecution for homicide by abuse may be commenced.

**Sponsors:** Senators Smith, McCaslin, Rasmussen, Prentice, Kohl and Schow.

**Brief History:**

**Committee Activity:** Law & Justice: 1/17/95, 1/26/95 [DP].  
Passed Senate, 3/1/95, 47-0.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Rinehart, Roach and Schow.

**Staff:** Martin Lovinger (786-7443)

**Background:** Under current law there is no statute of limitations for murder in the first or second degree. In 1987, the Legislature created the new crime of homicide by abuse to address those deaths of children, persons with developmental disabilities, and dependent adults caused by a pattern of assault or torture. Homicide by abuse is a more serious crime on the Sentencing Reform Act sentencing grid than murder in the second degree. However, because there is no statute of limitations specified for homicide by abuse, it is subject to a three-year statute of limitations. It is felt that there is no justification for someone being allowed to escape punishment after three years for the homicide by abuse of a child, when the same person still could be punished after an unlimited time for the second degree murder of an adult.

**Summary of Bill:** Homicide by abuse is added to the list of crimes that can be tried at any time after their commission.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** When homicide by abuse was created as a crime, the statute of limitations was overlooked.

**Testimony Against:** None.

**Testified:** Tom McBride, Washington Association of Prosecuting Attorneys (pro).