

# HOUSE BILL REPORT

## SSB 5042

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**As Reported by House Committee On:**  
Criminal Justice & Corrections

**Title:** An act relating to tolling the statute of limitations for felony sex offenses.

**Brief Description:** Tolling the statute of limitations for felony sex offenses.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senator McCaslin).

**Brief History:**

**Committee Activity:**

Criminal Justice & Corrections: 2/17/06, 2/23/06 [DP].

**Brief Summary of Substitute Bill**

- Changes to the date upon which the statute of limitations for a sex offense begins to run to the date when the crime was committed or one year after the date upon which the identity of the suspect is conclusively established through deoxyribonucleic acid (DNA) testing, whichever is later.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby, Strow and Williams.

**Staff:** Jim Morishima (786-7191).

**Background:**

In the criminal law, "statute of limitations" refers to the maximum period of time during which a criminal prosecution may be brought. For a few crimes, like murder, the statute of limitations is indefinite; i.e., a prosecution may be brought at any time following the commission of the crime. However, most crimes have a finite statute of limitations that begins to run from the date of the crimes' commission.

The statute of limitations for sex offenses varies depending on the offense involved. For example, the statute of limitations for Child Molestation in the third degree, Rape in the third degree, and Patronizing a Juvenile Prostitute is three years. The statute of limitations for Rape in the first and second degrees is generally 10 years, but can be extended under certain circumstances if the victim is under the age of 14.

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**Summary of Bill:**

The statute of limitations on a sex offense begins to run on the date when the crime was committed or one year after the date upon which the identity of the suspect is conclusively established through DNA testing, whichever is later.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** None.

**Testimony Against:** This bill may create a disincentive for early prosecutions. With the passage of time, witnesses become unavailable and memories fade, which makes a fair trial less likely. A delayed trial also results in the offender being in the community longer. Crime labs are currently overloaded; they need to know that there are time limits. The current statute of limitations is sufficient; prosecutions are rarely, if ever, barred by the current statute of limitations.

**Persons Testifying:** (Opposed) Todd Maybrown, Washington Association of Criminal Defense Lawyers.

**Persons Signed In To Testify But Not Testifying:** None.