

SHB 1155 - H AMD 831

By Representative Griffey

ADOPTED 02/08/2018

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9A.04.080 and 2017 c 266 s 9, 2017 c 231 s 2, and
4 2017 c 125 s 1 are each reenacted and amended to read as follows:

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

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

9 (i) Murder;

10 (ii) Homicide by abuse;

11 (iii) Arson if a death results;

12 (iv) Vehicular homicide;

13 (v) Vehicular assault if a death results;

14 (vi) Hit-and-run injury-accident if a death results (RCW
15 46.52.020(4));

16 (vii) Rape in the first degree;

17 (viii) Rape in the second degree;

18 (ix) Rape in the third degree;

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

20 (xi) Rape of a child in the second degree;

21 (xii) Rape of a child in the third degree;

22 (xiii) Child molestation in the first degree;

23 (xiv) Child molestation in the second degree;

24 (xv) Child molestation in the third degree;

25 (xvi) Sexual misconduct with a minor in the first degree;

26 (xvii) Sexually violating human remains;

27 (xviii) Custodial sexual misconduct in the first degree;

28 (xix) Incest in the first degree;

29 (xx) Incest in the second degree;

30 (xxi) Sexual exploitation of a minor;

31 (xxii) Commercial sexual abuse of a minor;

32 (xxiii) Promoting commercial sexual abuse of a minor;

1 (xxiv) Promoting travel for commercial sexual abuse of a minor.

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

5 (i) Any felony committed by a public officer if the commission is
6 in connection with the duties of his or her office or constitutes a
7 breach of his or her public duty or a violation of the oath of
8 office;

9 (ii) Arson if no death results;

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

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

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

17 ~~(v)) (iv) Attempted murder; or~~

18 ~~((vi)) (v) Trafficking under RCW 9A.40.100.~~

19 (c) A violation((s)) of ((the following statutes)) RCW
20 9A.44.100(1)(b) (indecent liberties), when committed against a victim
21 under the age of eighteen, may be prosecuted up to the victim's
22 thirtieth birthday(~~(: RCW 9A.44.040 (rape in the first degree),~~
23 ~~9A.44.050 (rape in the second degree), 9A.44.073 (rape of a child in~~
24 ~~the first degree), 9A.44.076 (rape of a child in the second degree),~~
25 ~~9A.44.079 (rape of a child in the third degree), 9A.44.083 (child~~
26 ~~molestation in the first degree), 9A.44.086 (child molestation in the~~
27 ~~second degree), 9A.44.089 (child molestation in the third degree),~~
28 ~~9A.44.100(1)(b) (indecent liberties), 9A.64.020 (incest), or~~
29 ~~9.68A.040 (sexual exploitation of a minor))~~).

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

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

35 ~~(ii) RCW 9.68A.101 (promoting commercial sexual abuse of a~~
36 ~~minor); or~~

37 ~~(iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse~~
38 ~~of a minor).~~

1 ~~(e)~~) The following offenses shall not be prosecuted more than
2 six 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;

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

10 (vi) Trafficking in stolen property in the first or second degree
11 under chapter 9A.82 RCW in which the stolen property is a motor
12 vehicle or major component part of a motor vehicle as defined in RCW
13 46.80.010.

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

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

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

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

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

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

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

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

1 by deoxyribonucleic acid testing or by photograph as defined in RCW
2 9.68A.011, whichever is later.

3 (4) If, before the end of a period of limitation prescribed in
4 subsection (1) of this section, an indictment has been found or a
5 complaint or an information has been filed, and the indictment,
6 complaint, or information is set aside, then the period of limitation
7 is extended by a period equal to the length of time from the finding
8 or filing to the setting aside."

9 Correct the title.

EFFECT: Updates the underlying section of law so that the bill amends the current version of the statute, which was amended by other legislation in 2017.

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