

ESHB 1155 - S COMM AMD

By Committee on Law & Justice

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 of a child in the first degree;

17 (viii) Child molestation in the first degree.

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:

21 (i) Any felony committed by a public officer if the commission is  
22 in connection with the duties of his or her office or constitutes a  
23 breach of his or her public duty or a violation of the oath of  
24 office;

25 (ii) Arson if no death results;

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

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

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

1 (v) Attempted murder; or  
2 (vi) Trafficking under RCW 9A.40.100.  
3 (c) A violation~~(s)~~ of the following statutes, when committed  
4 against a victim under the age of eighteen, may be prosecuted up to  
5 the victim's thirtieth birthday: RCW 9A.44.040 (rape in the first  
6 degree), 9A.44.050 (rape in the second degree), ~~((9A.44.073 (rape of~~  
7 ~~a child in the first degree),)~~ 9A.44.076 (rape of a child in the  
8 second degree), 9A.44.079 (rape of a child in the third degree),  
9 ~~((9A.44.083 (child molestation in the first degree),)~~ 9A.44.086  
10 (child molestation in the second degree), 9A.44.089 (child  
11 molestation in the third degree), 9A.44.100(1)(b) (indecent  
12 liberties), 9A.64.020 (incest), or 9.68A.040 (sexual exploitation of  
13 a minor).

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

18 (i) RCW 9.68A.100 (commercial sexual abuse of a minor);  
19 (ii) RCW 9.68A.101 (promoting commercial sexual abuse of a  
20 minor); or  
21 (iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse  
22 of a minor).

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

26 (i) Violations of RCW 9A.82.060 or 9A.82.080;  
27 (ii) Any felony violation of chapter 9A.83 RCW;  
28 (iii) Any felony violation of chapter 9.35 RCW;  
29 (iv) Theft in the first or second degree under chapter 9A.56 RCW  
30 when accomplished by color or aid of deception;  
31 (v) Theft from a vulnerable adult under RCW 9A.56.400; or  
32 (vi) 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 (f) 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 (g) Bigamy shall not be prosecuted more than three years after  
40 the time specified in RCW 9A.64.010.

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

13 (k) 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."

**ESHB 1155** - S COMM AMD

By Committee on Law & Justice

30 On page 1, line 2 of the title, after "commission;" strike the  
31 remainder of the title and insert "and reenacting and amending RCW  
32 9A.04.080."

EFFECT: Eliminates the statute of limitations only for Rape of a  
Child in the first degree and Child Molestation in the first degree.

Restores the existing statute of limitations for Rape in the first, second, and third degrees; Rape of a Child in the second and third degrees; Child Molestation in the second and third degrees; Sexual Misconduct with a Minor in the first degree; Sexually Violating Human Remains; Custodial Sexual Misconduct in the first degree; Incest in the first and second degrees; Sexual Exploitation of a Minor; Commercial Sexual Abuse of a Minor; Promoting Commercial Sexual Abuse of a Minor; and Promoting Travel for Commercial Sexual Abuse of a Minor.

--- END ---