
HOUSE BILL 1089

State of Washington

58th Legislature

2003 Regular Session

By Representatives Ahern, Miloscia, Benson, O'Brien, McDonald, Sullivan, Sump, Pearson, Hunt, Schindler, Lovick, Chase, Cairnes, Anderson, Nixon, Schoesler, Skinner, Sehlin, Bailey, Upthegrove, Haigh and Alexander

Read first time 01/15/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to the statute of limitations on certain sex
2 offenses; 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 1998 c 221 s 2 are each amended to read
5 as follows:

6 (1) Prosecutions for criminal offenses shall not be commenced after
7 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) Any sex offense as defined in RCW 9A.44.130(9)(a).

18 (b) The following offenses shall not be prosecuted more than ten
19 years after their 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 office;
4 or

5 (ii) Arson if no death results(~~;~~ ~~or~~

6 ~~(iii) 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 commission;~~
8 ~~except that if the victim is under fourteen years of age when the rape~~
9 ~~is committed and the rape is reported to a law enforcement agency~~
10 ~~within one year of its commission, the violation may be prosecuted up~~
11 ~~to three years after the victim's eighteenth birthday or up to ten~~
12 ~~years after the rape's commission, whichever is later. If a violation~~
13 ~~of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape~~
14 ~~may not be prosecuted: (A) More than three years after its commission~~
15 ~~if the violation was committed against a victim fourteen years of age~~
16 ~~or older; or (B) more than three years after the victim's eighteenth~~
17 ~~birthday or more than seven years after the rape's commission,~~
18 ~~whichever is later, if the violation was committed against a victim~~
19 ~~under fourteen years of age.~~

20 ~~(c) Violations of the following statutes shall not be prosecuted~~
21 ~~more than three years after the victim's eighteenth birthday or more~~
22 ~~than seven years after their commission, whichever is later: RCW~~
23 ~~9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,~~
24 ~~9A.44.100(1)(b), or 9A.64.020).~~

25 ~~((d))~~ (c) The following offenses shall not be prosecuted more
26 than six years after their commission: Violations of RCW 9A.82.060 or
27 9A.82.080.

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

31 ~~((f))~~ (e) Bigamy shall not be prosecuted more than three years
32 after the time specified in RCW 9A.64.010.

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

36 ~~((h))~~ (g) No other felony may be prosecuted more than three years
37 after its commission(~~;~~ ~~except that in a prosecution under RCW~~
38 ~~9A.44.115, if the person who was viewed, photographed, or filmed did~~

1 ~~not realize at the time that he or she was being viewed, photographed,~~
2 ~~or filmed, the prosecution must be commenced within two years of the~~
3 ~~time the person who was viewed or in the photograph or film first~~
4 ~~learns that he or she was viewed, photographed, or filmed)).~~

5 ((~~i~~)) (h) No gross misdemeanor may be prosecuted more than two
6 years after its commission except under (a)(vii) of this subsection.

7 ((~~j~~)) (i) No misdemeanor may be prosecuted more than one year
8 after its commission.

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

12 (3) If, before the end of a period of limitation prescribed in
13 subsection (1) of this section, an indictment has been found or a
14 complaint or an information has been filed, and the indictment,
15 complaint, or information is set aside, then the period of limitation
16 is extended by a period equal to the length of time from the finding or
17 filing to the setting aside.

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