
SUBSTITUTE HOUSE BILL 1453

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Ahern, O'Brien, Holmquist, Lovick, Orcutt, Williams, Roach, Pearson, Rodne, Campbell, Strow, McDonald, Serben, Crouse, Haler, Pettigrew, P. Sullivan and Simpson)

READ FIRST TIME 02/17/05.

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) Rape in the first and second degree if the victim is under
18 the age of eighteen at the time the crime is committed (RCW 9A.44.040
19 and 9A.44.050);

1 (viii) Rape of a child in the first and second degree (RCW
2 9A.44.073 and 9A.44.076).

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

8 (ii) Arson if no death results; or

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

25 (c) Violations of the following statutes shall not be prosecuted
26 more than three years after the victim's eighteenth birthday or more
27 than seven years after their commission, whichever is later: RCW
28 (~~(9A.44.073, 9A.44.076,)~~) 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,
29 9A.44.100(1)(b), or 9A.64.020.

30 (d) The following offenses shall not be prosecuted more than six
31 years after their commission: Violations of RCW 9A.82.060 or
32 9A.82.080.

33 (e) The following offenses shall not be prosecuted more than five
34 years after their commission: Any class C felony under chapter 74.09,
35 82.36, or 82.38 RCW.

36 (f) Bigamy shall not be prosecuted more than three years after the
37 time specified in RCW 9A.64.010.

1 (g) 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 tax
3 exempt corporation under 26 U.S.C. Sec. 501(c)(3).

4 (h) 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, the
8 prosecution must be commenced within two years of the time the person
9 who was viewed or in the photograph or film first learns that he or she
10 was viewed, photographed, or filmed.

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

13 (j) No misdemeanor may be prosecuted more than one year after its
14 commission.

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

18 (3) If, before the end of a period of limitation prescribed in
19 subsection (1) of this section, an indictment has been found or a
20 complaint or an information has been filed, and the indictment,
21 complaint, or information is set aside, then the period of limitation
22 is extended by a period equal to the length of time from the finding or
23 filing to the setting aside.

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