
HOUSE BILL 1453

State of Washington 59th Legislature 2005 Regular Session

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 01/25/2005. Referred to Committee on Criminal Justice & Corrections.

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) committed
18 against a minor.

1 (b) The following offenses shall not be prosecuted more than ten
2 years after their commission:

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

6 (ii) Arson if no death results; or

7 (iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is
8 reported to a law enforcement agency within one year of its
9 commission(~~(; except that if the victim is under fourteen years of age
10 when the rape is committed and the rape is reported to a law
11 enforcement agency within one year of its commission, the violation may
12 be prosecuted up to three years after the victim's eighteenth birthday
13 or up to ten years after the rape's commission, whichever is later)~~)).

14 If a violation of RCW 9A.44.040 or 9A.44.050 is not reported within one
15 year, the rape may not be prosecuted(~~(;—(A))~~) more than three years
16 after its commission (~~((if the violation was committed against a victim
17 fourteen years of age or older; or (B) more than three years after the
18 victim's eighteenth birthday or more than seven years after the rape's
19 commission, whichever is later, if the violation was committed against
20 a victim under fourteen years of age.~~

21 ~~(c) Violations of the following statutes shall not be prosecuted
22 more than three years after the victim's eighteenth birthday or more
23 than seven years after their commission, whichever is later:—RCW
24 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,
25 9A.44.100(1)(b), or 9A.64.020).~~

26 ~~((d))~~ (c) The following offenses shall not be prosecuted more
27 than six years after their commission: Violations of RCW 9A.82.060 or
28 9A.82.080.

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

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

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

37 ~~((h))~~ (g) No other felony may be prosecuted more than three years
38 after its commission; except that in a prosecution under RCW 9A.44.115,

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

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

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

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

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

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