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SENATE BILL 6881

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State of Washington                      59th Legislature                      2006 Regular Session

By Senators Kline and Rasmussen

Read first time 02/01/2006. Referred to Committee on Judiciary.

1            AN ACT Relating to limitation of actions involving injuries caused  
2 by acts that would constitute sex offenses; and amending RCW 4.16.080.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 4.16.080 and 1989 c 38 s 2 are each amended to read as  
5 follows:

6            The following actions shall be commenced within three years:

- 7            (1) An action for waste or trespass upon real property;
- 8            (2) An action for taking, detaining, or injuring personal property,  
9 including an action for the specific recovery thereof, or for any other  
10 injury to the person or rights of another not hereinafter enumerated  
11 except for an injury to a person or the rights of another where the  
12 injury is caused by acts that would constitute a sex offense under  
13 chapter 9A.44 RCW, whether or not the person was convicted of the  
14 offense, in which case such an action may be commenced at any time;
- 15            (3) Except as provided in RCW 4.16.040(2), an action upon a  
16 contract or liability, express or implied, which is not in writing, and  
17 does not arise out of any written instrument;
- 18            (4) An action for relief upon the ground of fraud, the cause of

1 action in such case not to be deemed to have accrued until the  
2 discovery by the aggrieved party of the facts constituting the fraud;

3 (5) An action against a sheriff, coroner, or constable upon a  
4 liability incurred by the doing of an act in his official capacity and  
5 by virtue of his office, or by the omission of an official duty,  
6 including the nonpayment of money collected upon an execution; but this  
7 subdivision shall not apply to action for an escape;

8 (6) An action against an officer charged with misappropriation or  
9 a failure to properly account for public funds intrusted to his  
10 custody; an action upon a statute for penalty or forfeiture, where an  
11 action is given to the party aggrieved, or to such party and the state,  
12 except when the statute imposing it prescribed a different limitation:  
13 PROVIDED, HOWEVER, The cause of action for such misappropriation,  
14 penalty or forfeiture, whether for acts heretofore or hereafter done,  
15 and regardless of lapse of time or existing statutes of limitations, or  
16 the bar thereof, even though complete, shall not be deemed to accrue or  
17 to have accrued until discovery by the aggrieved party of the act or  
18 acts from which such liability has arisen or shall arise, and such  
19 liability, whether for acts heretofore or hereafter done, and  
20 regardless of lapse of time or existing statute of limitation, or the  
21 bar thereof, even though complete, shall exist and be enforceable for  
22 three years after discovery by aggrieved party of the act or acts from  
23 which such liability has arisen or shall arise.

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