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SENATE BILL 5100

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State of Washington

63rd Legislature

2013 Regular Session

By Senators Hargrove and Padden

Read first time 01/18/13. Referred to Committee on Law & Justice .

1 AN ACT Relating to the statute of limitations for sexual abuse  
2 against a child; amending RCW 9A.04.080 and 4.16.020; and repealing RCW  
3 4.16.340.

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

5 **Sec. 1.** RCW 9A.04.080 and 2012 c 105 s 1 are each amended to read  
6 as follows:

7 (1) Prosecutions for criminal offenses shall not be commenced after  
8 the periods prescribed in this section.

9 (a) The following offenses may be prosecuted at any time after  
10 their commission:

11 (i) Murder;

12 (ii) Homicide by abuse;

13 (iii) Arson if a death results;

14 (iv) Vehicular homicide;

15 (v) Vehicular assault if a death results;

16 (vi) Hit-and-run injury-accident if a death results (RCW  
17 46.52.020(4)).

18 (b) Except as provided in (c) of this subsection, the following

1 offenses shall not be prosecuted more than ten years after their  
2 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)(A) 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 the victim's twenty-eighth birthday))~~).

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

20 (iv) Indecent liberties under RCW 9A.44.100(1)(b).

21 (c) Violations of the following statutes, when committed against a  
22 victim under the age of eighteen, may be prosecuted up to the victim's  
23 ((twenty-eighth)) thirtieth birthday: RCW 9A.44.040 (rape in the first  
24 degree), 9A.44.050 (rape in the second degree), 9A.44.073 (rape of a  
25 child in the first degree), 9A.44.076 (rape of a child in the second  
26 degree), 9A.44.079 (rape of a child in the third degree), 9A.44.083  
27 (child molestation in the first degree), 9A.44.086 (child molestation  
28 in the second degree), ((9A.44.070, 9A.44.080)) 9A.44.089 (child  
29 molestation in the third degree), 9A.44.100(1)(b) (indecent liberties),  
30 ((9A.44.079, 9A.44.089,)) or 9A.64.020 (incest).

31 (d) The following offenses shall not be prosecuted more than six  
32 years after their commission or their discovery, whichever occurs  
33 later:

34 (i) Violations of RCW 9A.82.060 or 9A.82.080;

35 (ii) Any felony violation of chapter 9A.83 RCW;

36 (iii) Any felony violation of chapter 9.35 RCW;

37 (iv) Theft in the first or second degree under chapter 9A.56 RCW  
38 when accomplished by color or aid of deception; or

1 (v) Trafficking in stolen property in the first or second degree  
2 under chapter 9A.82 RCW in which the stolen property is a motor vehicle  
3 or major component part of a motor vehicle as defined in RCW 46.80.010.

4 (e) The following offenses shall not be prosecuted more than five  
5 years after their commission: Any class C felony under chapter 74.09,  
6 82.36, or 82.38 RCW.

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

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

12 (h) No other felony may be prosecuted more than three years after  
13 its commission; except that in a prosecution under RCW 9A.44.115, if  
14 the person who was viewed, photographed, or filmed did not realize at  
15 the time that he or she was being viewed, photographed, or filmed, the  
16 prosecution must be commenced within two years of the time the person  
17 who was viewed or in the photograph or film first learns that he or she  
18 was viewed, photographed, or filmed.

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

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

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

26 (3) In any prosecution for a sex offense as defined in RCW  
27 9.94A.030, the periods of limitation prescribed in subsection (1) of  
28 this section run from the date of commission or one year from the date  
29 on which the identity of the suspect is conclusively established by  
30 deoxyribonucleic acid testing, whichever is later.

31 (4) If, before the end of a period of limitation prescribed in  
32 subsection (1) of this section, an indictment has been found or a  
33 complaint or an information has been filed, and the indictment,  
34 complaint, or information is set aside, then the period of limitation  
35 is extended by a period equal to the length of time from the finding or  
36 filing to the setting aside.

1       **Sec. 2.** RCW 4.16.020 and 2002 c 261 s 2 are each amended to read  
2 as follows:

3       The period prescribed for the commencement of actions shall be as  
4 follows:

5       (1) Within ten years:

6       ~~((+1))~~ (a) For actions for the recovery of real property, or for  
7 the recovery of the possession thereof; and no action shall be  
8 maintained for such recovery unless it appears that the plaintiff, his  
9 or her ancestor, predecessor or grantor was seized or possessed of the  
10 premises in question within ten years before the commencement of the  
11 action.

12       ~~((+2))~~ (b) For an action upon a judgment or decree of any court of  
13 the United States, or of any state or territory within the United  
14 States, or of any territory or possession of the United States outside  
15 the boundaries thereof, or of any extraterritorial court of the United  
16 States, unless the period is extended under RCW 6.17.020 or a similar  
17 provision in another jurisdiction.

18       ~~((+3))~~ (c) Of the eighteenth birthday of the youngest child named  
19 in the order for whom support is ordered for an action to collect past  
20 due child support that has accrued under an order entered after July  
21 23, 1989, by any of the above-named courts or that has accrued under an  
22 administrative order as defined in RCW 74.20A.020(6), which is issued  
23 after July 23, 1989.

24       (2)(a) Within ten years or before the thirtieth birthday of the  
25 person bringing the action, whichever occurs later, for an action based  
26 on intentional conduct brought by any person for recovery of damages  
27 for injury suffered as a result of childhood sexual abuse.

28       (b) As used in this subsection, "childhood sexual abuse" means any  
29 act alleged to have been committed against a complainant who was less  
30 than eighteen years of age at the time of the act and which act would  
31 have been a violation of chapter 9A.44 RCW or RCW 9.68A.040 or prior  
32 laws of similar effect at the time the act was committed.

33       NEW SECTION.   **Sec. 3.** RCW 4.16.340 (Actions based on childhood  
34 sexual abuse) and 1991 c 212 s 2, 1989 c 317 s 2, & 1988 c 144 s 1 are  
35 each repealed.

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