

# HOUSE BILL REPORT

## HB 2260

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### As Reported by House Committee On: Public Safety

**Title:** An act relating to adding the crime of sexual misconduct with a minor in the first degree to crimes that can be prosecuted up to six years after the offense.

**Brief Description:** Adding the crime of sexual misconduct with a minor in the first degree to crimes that can be prosecuted up to six years after the offense.

**Sponsors:** Representatives Klippert and Hayes.

#### **Brief History:**

##### **Committee Activity:**

Public Safety: 1/15/16, 1/22/16 [DP].

#### **Brief Summary of Bill**

- Extends the statute of limitations for Sexual Misconduct with a Minor in the first degree from three to six years.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 7 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Appleton, Griffey, Moscoso and Wilson.

**Staff:** Kelly Leonard (786-7147).

#### **Background:**

*Sexual Misconduct with a Minor in the First Degree.* A person is guilty of sexual misconduct with a minor in the first degree when:

- the person has, or knowingly causes another person under the age of 18 years to have, sexual intercourse with another person who is at least 16 years old but less than 18 years old and not married to the perpetrator, if the perpetrator is at least 60 months older than the victim, is in a significant relationship to the victim, and abuses a

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- supervisory position within that relationship in order to engage in or cause another person under the age of 18 years to engage in sexual intercourse with the victim;
- the person is a school employee who has, or knowingly causes another person under the age of 18 years to have, sexual intercourse with an enrolled student of the school who is at least 16 years old and not more than 21 years old and not married to the employee, if the employee is at least 60 months older than the student; or
- the person is a foster parent who has, or knowingly causes another person under the age of 18 years to have, sexual intercourse with his or her foster child who is at least 16.

Sexual Misconduct with a Minor in the first degree is a class C felony with a seriousness level of V.

*Statute of Limitations.* A statute of limitations is a time limit for initiating prosecution after a crime is committed. The time limit varies depending on the type of crime. For Sexual Misconduct in the first degree, the crime may not be prosecuted more than three years after the date of commission.

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**Summary of Bill:**

The statute of limitations for Sexual Misconduct with a Minor in the first degree is extended. The crime may not be prosecuted more than six years after the date of commission or discovery, whichever occurs later.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Sexual Misconduct with a Minor in the first degree involves persons who hold our public trust, like teachers and foster parents. As a result, victims experience increased fear and confusion, and it may take years for them to report the crime. Three years is not enough time for victims to come forward and for investigations to take place.

Statutes of limitations are not a legal necessity. For example, there is no statute of limitations for Murder. However, statutes of limitations create a degree of certainty and finality while also controlling expectations. It may not always be possible to prosecute crimes due to the passage of time and the limited availability of evidence. Prosecutors are fairly conservative about requesting changes to statutes of limitations due to these challenges. However, the current statute of limitations for Sexual Misconduct with a Minor in the first degree has

barred prosecutions of strong cases. This is a situation where an extension of the statute of limitations is appropriate.

(Opposed) The longer it takes for charges to be filed, the harder it is to learn the truth of what actually happened. Witnesses may not recall anything or remember things correctly. Even though the event occurred, a victim may identify the wrong perpetrator. The statute of limitations prevents delays in prosecution that would have otherwise resulted in these evidentiary difficulties.

**Persons Testifying:** (In support) Representative Klippert, prime sponsor; and Tom McBride, Washington Association of Prosecuting Attorneys.

(Opposed) James Laukkonen, Washington Association of Criminal Defense Lawyers and Washington Defender Association.

**Persons Signed In To Testify But Not Testifying:** None.