

SB 5030 - H COMM AMD
By Committee on Public Safety

ADOPTED 04/06/2017

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) Because of the serious nature of
4 human trafficking related offenses, and the power, control, and
5 exploitation exerted over victims, the legislature finds the statute
6 of limitations on these offenses should be extended. Victims are
7 often under the control of their trafficker for significant periods
8 of time and may not be willing or able to report their perpetrator
9 until they are free from their control.

10 (2) The legislature finds that statutes governing commercial
11 sexual abuse of a minor, promoting commercial sexual abuse of a
12 minor, and promoting prostitution should be consistent with all human
13 trafficking related statutes, and reflect the practical reality of
14 the crimes, which often involve an exchange of drugs or gifts for the
15 commercial sex act.

16 **Sec. 2.** RCW 9A.04.080 and 2013 c 17 s 1 are each amended to read
17 as follows:

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

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

- 22 (i) Murder;
- 23 (ii) Homicide by abuse;
- 24 (iii) Arson if a death results;
- 25 (iv) Vehicular homicide;
- 26 (v) Vehicular assault if a death results;
- 27 (vi) Hit-and-run injury-accident if a death results (RCW
28 46.52.020(4)).

29 (b) Except as provided in (c) of this subsection, the following
30 offenses shall not be prosecuted more than ten years after their
31 commission:

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

5 (ii) Arson if no death results;

6 (iii)(A) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is
7 reported to a law enforcement agency within one year of its
8 commission.

9 (B) If a violation of RCW 9A.44.040 or 9A.44.050 is not reported
10 within one year, the rape may not be prosecuted more than three years
11 after its commission; (~~or~~)

12 (iv) Indecent liberties under RCW 9A.44.100(1)(b); or

13 (v) Trafficking under RCW 9A.40.100.

14 (c) Violations of the following statutes, when committed against
15 a victim under the age of eighteen, may be prosecuted up to the
16 victim's thirtieth birthday: RCW 9A.44.040 (rape in the first
17 degree), 9A.44.050 (rape in the second degree), 9A.44.073 (rape of a
18 child in the first degree), 9A.44.076 (rape of a child in the second
19 degree), 9A.44.079 (rape of a child in the third degree), 9A.44.083
20 (child molestation in the first degree), 9A.44.086 (child molestation
21 in the second degree), 9A.44.089 (child molestation in the third
22 degree), 9A.44.100(1)(b) (indecent liberties), 9A.64.020 (incest), or
23 9.68A.040 (sexual exploitation of a minor).

24 (d) A violation of any offense listed in this subsection (1)(d)
25 may be prosecuted up to ten years after its commission or, if
26 committed against a victim under the age of eighteen, up to the
27 victim's thirtieth birthday, whichever is later:

28 (i) RCW 9.68A.100 (commercial sexual abuse of a minor);

29 (ii) RCW 9.68A.101 (promoting commercial sexual abuse of a
30 minor); or

31 (iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse
32 of a minor).

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

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

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

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

39 (iv) Theft in the first or second degree under chapter 9A.56 RCW
40 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
3 vehicle or major component part of a motor vehicle as defined in RCW
4 46.80.010.

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

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

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

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

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

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

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

27 (3) In any prosecution for a sex offense as defined in RCW
28 9.94A.030, the periods of limitation prescribed in subsection (1) of
29 this section run from the date of commission or one year from the
30 date on which the identity of the suspect is conclusively established
31 by deoxyribonucleic acid testing or by photograph as defined in RCW
32 9.68A.011, whichever is later.

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

1 **Sec. 3.** RCW 9.68A.100 and 2013 c 302 s 2 are each amended to
2 read as follows:

3 (1) A person is guilty of commercial sexual abuse of a minor if:

4 (a) He or she (~~pays a fee~~) provides anything of value to a
5 minor or a third person as compensation for a minor having engaged in
6 sexual conduct with him or her;

7 (b) He or she (~~pays or agrees to pay a fee~~) provides or agrees
8 to provide anything of value to a minor or a third person pursuant to
9 an understanding that in return therefore such minor will engage in
10 sexual conduct with him or her; or

11 (c) He or she solicits, offers, or requests to engage in sexual
12 conduct with a minor in return for (~~a fee~~) anything of value.

13 (2) Commercial sexual abuse of a minor is a class B felony
14 punishable under chapter 9A.20 RCW.

15 (3) In addition to any other penalty provided under chapter 9A.20
16 RCW, a person guilty of commercial sexual abuse of a minor is subject
17 to the provisions under RCW 9A.88.130 and 9A.88.140.

18 (4) Consent of a minor to the sexual conduct does not constitute
19 a defense to any offense listed in this section.

20 (5) For purposes of this section, "sexual conduct" means sexual
21 intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

22 **Sec. 4.** RCW 9.68A.101 and 2013 c 302 s 3 are each amended to
23 read as follows:

24 (1) A person is guilty of promoting commercial sexual abuse of a
25 minor if he or she knowingly advances commercial sexual abuse or a
26 sexually explicit act of a minor or profits from a minor engaged in
27 sexual conduct or a sexually explicit act.

28 (2) Promoting commercial sexual abuse of a minor is a class A
29 felony.

30 (3) For the purposes of this section:

31 (a) A person "advances commercial sexual abuse of a minor" if,
32 acting other than as a minor receiving compensation for personally
33 rendered sexual conduct or as a person engaged in commercial sexual
34 abuse of a minor, he or she causes or aids a person to commit or
35 engage in commercial sexual abuse of a minor, procures or solicits
36 customers for commercial sexual abuse of a minor, provides persons or
37 premises for the purposes of engaging in commercial sexual abuse of a
38 minor, operates or assists in the operation of a house or enterprise
39 for the purposes of engaging in commercial sexual abuse of a minor,

1 or engages in any other conduct designed to institute, aid, cause,
2 assist, or facilitate an act or enterprise of commercial sexual abuse
3 of a minor.

4 (b) A person "profits from commercial sexual abuse of a minor"
5 if, acting other than as a minor receiving compensation for
6 personally rendered sexual conduct, he or she accepts or receives
7 money or (~~other property~~) anything of value pursuant to an
8 agreement or understanding with any person whereby he or she
9 participates or will participate in the proceeds of commercial sexual
10 abuse of a minor.

11 (c) A person "advances a sexually explicit act of a minor" if he
12 or she causes or aids a sexually explicit act of a minor, procures or
13 solicits customers for a sexually explicit act of a minor, provides
14 persons or premises for the purposes of a sexually explicit act of a
15 minor, or engages in any other conduct designed to institute, aid,
16 cause, assist, or facilitate a sexually explicit act of a minor.

17 (d) A "sexually explicit act" is a public, private, or live
18 photographed, recorded, or videotaped act or show intended to arouse
19 or satisfy the sexual desires or appeal to the prurient interests of
20 patrons and for which (~~something~~) anything of value is given or
21 received.

22 (e) A "patron" is a person who (~~pays or agrees to pay a fee~~)
23 provides or agrees to provide anything of value to another person as
24 compensation for a sexually explicit act of a minor or who solicits
25 or requests a sexually explicit act of a minor in return for a fee.

26 (4) Consent of a minor to the sexually explicit act or sexual
27 conduct does not constitute a defense to any offense listed in this
28 section.

29 (5) For purposes of this section, "sexual conduct" means sexual
30 intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

31 **Sec. 5.** RCW 9A.88.060 and 2011 c 336 s 412 are each amended to
32 read as follows:

33 The following definitions are applicable in RCW 9A.88.070 through
34 9A.88.090:

35 (1) "Advances prostitution." A person "advances prostitution" if,
36 acting other than as a prostitute or as a customer thereof, he or she
37 causes or aids a person to commit or engage in prostitution, procures
38 or solicits customers for prostitution, provides persons or premises
39 for prostitution purposes, operates or assists in the operation of a

1 house of prostitution or a prostitution enterprise, or engages in any
2 other conduct designed to institute, aid, or facilitate an act or
3 enterprise of prostitution.

4 (2) "Profits from prostitution." A person "profits from
5 prostitution" if, acting other than as a prostitute receiving
6 compensation for personally rendered prostitution services, he or she
7 accepts or receives money or (~~other property~~) anything of value
8 pursuant to an agreement or understanding with any person whereby he
9 or she participates or is to participate in the proceeds of
10 prostitution activity."

11 Correct the title.

EFFECT: Makes the following changes with respect to the statute
of limitations:

(1) Allows a prosecutor to file charges for Commercial Sexual
Abuse of a Minor and Promoting Commercial Sexual Abuse of a Minor
until 10 years after their commission or the victim's 30th birthday,
whichever occurs later (rather than just up to the victim's 30th
birthday as provided in the underlying bill).

(2) Extends the period in which a prosecutor may initiate charges
for Promoting Travel for Commercial Sexual Abuse of a Minor from
three years after the commission of the offense to 10 years after the
commission of the offense or the victim's 30th birthday, whichever
occurs later.

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