

SENATE BILL REPORT

ESSB 5810

As Passed Senate, March 6, 2017

Title: An act relating to adding attempted murder to the list of offenses that may not be prosecuted more than ten years their commission.

Brief Description: Adding attempted murder to the list of offenses that may not be prosecuted more than ten years their commission.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senator Padden).

Brief History:

Committee Activity: Law & Justice: 2/15/17, 2/16/17 [DPS].

Floor Activity:

Passed Senate: 3/06/17, 49-0.

Brief Summary of Engrossed First Substitute Bill

- Changes the statute of limitation for attempted murder from three years to ten years.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5810 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel, Darneille, Frockt and Wilson.

Staff: Aldo Melchiori (786-7439)

Background: There are two degrees of murder. A person is guilty of murder in the first degree if the person: (1) with a premeditated intent to cause the death of another person, they cause the death of the person or of a third person; (2) under circumstances manifesting an extreme indifference to human life, they engage in conduct which creates a grave risk of death to any person, and causes the death of a person; or (3) they commit or attempt to commit the crime of robbery in the first or second degree, rape in the first or second degree, burglary in the first degree, arson in the first or second degree, or kidnapping in the first or

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

second degree, and in the course of or in furtherance of the crime or in immediate flight, they, or another participant, cause the death of a person other than one of the participants.

It is murder in the second degree if: (1) with intent to cause the death of another person but without premeditation, they cause the death of such person or of a third person; or (2) they commit or attempt to commit any felony, including assault, and in the course of and in furtherance of the crime or in immediate flight, they, or another participant, cause the death of a person other than one of the participants.

A person is guilty of an attempt to commit a crime if, with intent to commit a specific crime, they do any act which is a substantial step toward the commission of that crime. An attempt to commit murder in the first degree is a Class A felony. If a person is convicted of criminal intent, the standard sentencing range is 75 percent of that for a completed crime.

The following offenses may be prosecuted at any time after their commission:

- murder;
- homicide by abuse;
- arson if a death results;
- vehicular homicide;
- vehicular assault if a death results; or
- hit-and-run injury-accident if a death results.

The following offenses may not be prosecuted more than ten years after their commission:

- any felony committed by a public officer if the commission is in connection with the duties of their office or constitutes a breach of their public duty or a violation of the oath of office;
- arson if no death results;
- rape in the first or second degree if the rape is reported to a law enforcement agency within one year of its commission—if a violation of rape in the first or second degree is not reported within one year, the rape may not be prosecuted more than three years after its commission; or
- indecent liberties.

Violations of the following statutes, when committed against a victim under the age of 18, may be prosecuted up to the victim's 30th birthday:

- rape in the first degree;
- rape in the second degree;
- rape of a child in the first degree;
- rape of a child in the second degree;
- rape of a child in the third degree;
- child molestation in the first degree;
- child molestation in the second degree;
- child molestation in the third degree;
- indecent liberties;
- incest; or
- sexual exploitation of a minor.

The following offenses may not be prosecuted more than six years after their commission or their discovery, whichever occurs later:

- leading organized crime or criminal profiteering;
- money laundering;
- any felony identity crime;
- theft in the first or second degree when accomplished by color or aid of deception; or
- trafficking in stolen property in the first or second degree in which the stolen property is a motor vehicle or major component part of a motor vehicle.

Class C felonies for Medicaid fraud or fuel tax crimes may not be prosecuted more than five years after their commission.

Theft in the first degree may not be prosecuted more than three years after the discovery of the offense when the victim is a tax exempt corporation.

No other felony may be prosecuted more than three years after its commission. No gross misdemeanor may be prosecuted more than two years after its commission. No misdemeanor may be prosecuted more than one year after its commission.

Attempted murder may not be prosecuted more than three years after its commission.

Summary of Engrossed First Substitute Bill: The statute of limitations for first and second degree murder are extended. Attempted murder may not be prosecuted more than ten years after it is committed.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Some cases take many years to investigate completely. The criminal intent required for attempted murder is the same as that for the completed crime. Many lesser crimes have a longer statute of limitations than attempted murder.

Persons Testifying: PRO: Dave McEchran, Whatcom County Prosecuting Attorney.

Persons Signed In To Testify But Not Testifying: No one.