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ENGROSSED SUBSTITUTE HOUSE BILL 1155

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State of Washington

65th Legislature

2017 Regular Session

By House Public Safety (originally sponsored by Representatives Griffey, Orwall, Klippert, McCabe, Kraft, Caldier, Muri, Bergquist, Stanford, Fitzgibbon, McDonald, Doglio, and Macri)

READ FIRST TIME 01/24/17.

1 AN ACT Relating to making felony sex offenses a crime that may be  
2 prosecuted at any time after its commission; and reenacting and  
3 amending RCW 9A.04.080.

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

5 **Sec. 1.** RCW 9A.04.080 and 2017 c 266 s 9, 2017 c 231 s 2, and  
6 2017 c 125 s 1 are each reenacted and amended to read as follows:

7 (1) Prosecutions for criminal offenses shall not be commenced  
8 after 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 (vii) Rape in the first degree;

19 (viii) Rape in the second degree;

20 (ix) Rape in the third degree;

21 (x) Rape of a child in the first degree;

- 1 (xi) Rape of a child in the second degree;  
2 (xii) Rape of a child in the third degree;  
3 (xiii) Child molestation in the first degree;  
4 (xiv) Child molestation in the second degree;  
5 (xv) Child molestation in the third degree;  
6 (xvi) Sexual misconduct with a minor in the first degree;  
7 (xvii) Sexually violating human remains;  
8 (xviii) Custodial sexual misconduct in the first degree;  
9 (xix) Incest in the first degree;  
10 (xx) Incest in the second degree;  
11 (xxi) Sexual exploitation of a minor;  
12 (xxii) Commercial sexual abuse of a minor;  
13 (xxiii) Promoting commercial sexual abuse of a minor;  
14 (xxiv) Promoting travel for commercial sexual abuse of a minor.

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

18 (i) Any felony committed by a public officer if the commission is  
19 in connection with the duties of his or her office or constitutes a  
20 breach of his or her public duty or a violation of the oath of  
21 office;

22 (ii) Arson if no death results;

23 ~~(iii) ((A) Violations of RCW 9A.44.040 or 9A.44.050 if the rape~~  
24 ~~is reported to a law enforcement agency within one year of its~~  
25 ~~commission.~~

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

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

30 ~~(v))~~ (iv) Attempted murder; or

31 ~~((vi))~~ (v) Trafficking under RCW 9A.40.100.

32 (c) A violation~~((s))~~ of ~~((the following statutes))~~ RCW  
33 9A.44.100(1)(b) (indecent liberties), when committed against a victim  
34 under the age of eighteen, may be prosecuted up to the victim's  
35 thirtieth birthday~~((: RCW 9A.44.040 (rape in the first degree),~~  
36 ~~9A.44.050 (rape in the second degree), 9A.44.073 (rape of a child in~~  
37 ~~the first degree), 9A.44.076 (rape of a child in the second degree),~~  
38 ~~9A.44.079 (rape of a child in the third degree), 9A.44.083 (child~~  
39 ~~molestation in the first degree), 9A.44.086 (child molestation in the~~  
40 ~~second degree), 9A.44.089 (child molestation in the third degree),~~

1 9A.44.100(1)(b) ~~— (indecent liberties), 9A.64.020 (incest), or~~  
2 ~~9.68A.040 (sexual exploitation of a minor))~~.

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

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

8 ~~(ii) RCW 9.68A.101 (promoting commercial sexual abuse of a~~  
9 ~~minor); or~~

10 ~~(iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse~~  
11 ~~of a minor).~~

12 ~~(e))~~ The following offenses shall not be prosecuted more than  
13 six years after their commission or their discovery, whichever occurs  
14 later:

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

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

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

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

20 (v) Theft from a vulnerable adult under RCW 9A.56.400; or

21 (vi) Trafficking in stolen property in the first or second degree  
22 under chapter 9A.82 RCW in which the stolen property is a motor  
23 vehicle or major component part of a motor vehicle as defined in RCW  
24 46.80.010.

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

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

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

33 ~~((i))~~ (h) No other felony may be prosecuted more than three  
34 years after its commission; except that in a prosecution under RCW  
35 9A.44.115, if the person who was viewed, photographed, or filmed did  
36 not realize at the time that he or she was being viewed,  
37 photographed, or filmed, the prosecution must be commenced within two  
38 years of the time the person who was viewed or in the photograph or  
39 film first learns that he or she was viewed, photographed, or filmed.

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

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

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

8       (3) In any prosecution for a sex offense as defined in RCW  
9 9.94A.030, the periods of limitation prescribed in subsection (1) of  
10 this section run from the date of commission or one year from the  
11 date on which the identity of the suspect is conclusively established  
12 by deoxyribonucleic acid testing or by photograph as defined in RCW  
13 9.68A.011, whichever is later.

14       (4) If, before the end of a period of limitation prescribed in  
15 subsection (1) of this section, an indictment has been found or a  
16 complaint or an information has been filed, and the indictment,  
17 complaint, or information is set aside, then the period of limitation  
18 is extended by a period equal to the length of time from the finding  
19 or filing to the setting aside.

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