
HOUSE BILL 1234

State of Washington

66th Legislature

2019 Regular Session

By Representatives Griffey, Orwall, Klippert, Kraft, MacEwen, Stokesbary, Macri, Eslick, Caldier, Lovick, Walen, Chambers, Dent, and Irwin

Read first time 01/17/19. Referred to Committee on Public Safety.

1 AN ACT Relating to the statute of limitations for certain felony
2 sex offenses; and reenacting and amending RCW 9A.04.080.

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

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

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

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

10 (i) Murder;

11 (ii) Homicide by abuse;

12 (iii) Arson if a death results;

13 (iv) Vehicular homicide;

14 (v) Vehicular assault if a death results;

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

17 (vii) Rape in the first degree;

18 (viii) Rape in the second degree;

19 (ix) Rape in the third degree;

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

21 (xi) Rape of a child in the second degree;

- 1 (xii) Rape of a child in the third degree;
2 (xiii) Child molestation in the first degree;
3 (xiv) Child molestation in the second degree;
4 (xv) Child molestation in the third degree;
5 (xvi) Sexual misconduct with a minor in the first degree;
6 (xvii) Indecent liberties;
7 (xviii) Sexually violating human remains;
8 (xix) Voyeurism in the first degree;
9 (xx) Custodial sexual misconduct in the first degree;
10 (xxi) Incest in the first degree;
11 (xxii) Incest in the second degree;
12 (xxiii) Sexual exploitation of a minor;
13 (xxiv) Communication with a minor for immoral purposes (RCW
14 9.68A.090(2));
15 (xxv) Commercial sexual abuse of a minor;
16 (xxvi) Promoting commercial sexual abuse of a minor;
17 (xxvii) Promoting travel for commercial sexual abuse of a minor.

18 (b) ~~((Except as provided in (c) of this subsection,))~~ The
19 following offenses shall not be prosecuted more than ten years after
20 their commission:

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

25 (ii) Arson if no death results;

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

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

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

33 ~~(v)) Attempted murder; or~~

34 ~~((vi)) (iv) Trafficking under RCW 9A.40.100.~~

35 (c) ~~((Violations of the following statutes, when committed~~
36 ~~against a victim under the age of eighteen, may be prosecuted up to~~
37 ~~the victim's thirtieth birthday: RCW 9A.44.040 (rape in the first~~
38 ~~degree), 9A.44.050 (rape in the second degree), 9A.44.073 (rape of a~~
39 ~~child in the first degree), 9A.44.076 (rape of a child in the second~~
40 ~~degree), 9A.44.079 (rape of a child in the third degree), 9A.44.083~~

1 ~~(child molestation in the first degree), 9A.44.086 (child molestation~~
2 ~~in the second degree), 9A.44.089 (child molestation in the third~~
3 ~~degree), 9A.44.100(1)(b) (indecent liberties), 9A.64.020 (incest), or~~
4 ~~9.68A.040 (sexual exploitation of a minor).~~

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

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

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

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

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

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

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

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

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

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

23 (vi) Trafficking in stolen property in the first or second degree
24 under chapter 9A.82 RCW in which the stolen property is a motor
25 vehicle or major component part of a motor vehicle as defined in RCW
26 46.80.010.

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

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

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

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

1 ~~person who was viewed or in the photograph or film first learns that~~
2 ~~he or she was viewed, photographed, or filmed).~~

3 ((~~j~~)) (g) No gross misdemeanor may be prosecuted more than two
4 years after its commission.

5 ((~~k~~)) (h) No misdemeanor may be prosecuted more than one year
6 after its commission.

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

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

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

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