
SUBSTITUTE SENATE BILL 5453

State of Washington

68th Legislature

2023 Regular Session

By Senate Law & Justice (originally sponsored by Senators Keiser, Dhingra, Cleveland, Nguyen, Saldaña, and Valdez)

READ FIRST TIME 02/07/23.

1 AN ACT Relating to female genital mutilation; amending RCW
2 18.130.180 and 9A.04.080; reenacting and amending RCW 26.44.020;
3 adding new sections to chapter 9A.36 RCW; adding a new section to
4 chapter 18.130 RCW; adding a new section to chapter 43.70 RCW;
5 creating a new section; prescribing penalties; and declaring an
6 emergency.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that over
9 500,000 women in the United States are at risk of or have undergone
10 female genital mutilation. The existence, incidence, and effects of
11 female genital mutilation is often shrouded in secrecy. Federal law
12 prohibits the performance of female genital mutilation in the United
13 States.

14 (2) The legislature intends to create a private right of action
15 for victims of female genital mutilation and create a disciplinary
16 violation under the uniform disciplinary act. The legislature further
17 intends to establish education and outreach initiatives to prevent
18 female genital mutilation, and provide care for victims of female
19 genital mutilation.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.36
2 RCW to read as follows:

3 (1) A victim of female genital mutilation under section 7 of this
4 act may bring a civil cause of action against the person who
5 committed the female genital mutilation for economic and noneconomic
6 damages, punitive damages, and reasonable attorneys' fees and costs
7 incurred in bringing the action.

8 (2) A civil cause of action for female genital mutilation under
9 this section must be commenced within 10 years of the acts alleged to
10 have caused the injury. However, the time limit for commencement of
11 an action under this section shall be tolled for a minor until the
12 minor reaches the age of 18 years.

13 (3) For purposes of this section, "female genital mutilation"
14 means any procedure performed for nonmedical reasons that involves
15 partial or total removal of, or other injury to, the external female
16 genitalia, including but not limited to a clitoridectomy or the
17 partial or total removal of the clitoris or the prepuce or clitoral
18 hood, excision or the partial or total removal (with or without
19 excision of the clitoris) of the labia minora or the labia majora, or
20 both, infibulation or the narrowing of the vaginal opening (with or
21 without excision of the clitoris), or other procedures that are
22 harmful to the external female genitalia, including pricking,
23 incising, scraping, or cauterizing the genital area.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.130
25 RCW to read as follows:

26 (1) A health care provider licensed under this title shall not
27 perform any procedure constituting female genital mutilation on a
28 minor.

29 (2) A licensed health care provider who violates subsection (1)
30 of this section is subject to discipline under this chapter.

31 (3) For purposes of this section:

32 (a) "Female genital mutilation" means any procedure performed for
33 nonmedical reasons that involves partial or total removal of, or
34 other injury to, the external female genitalia, including but not
35 limited to a clitoridectomy or the partial or total removal of the
36 clitoris or the prepuce or clitoral hood, excision or the partial or
37 total removal (with or without excision of the clitoris) of the labia
38 minora or the labia majora, or both, infibulation or the narrowing of
39 the vaginal opening (with or without excision of the clitoris), or

1 other procedures that are harmful to the external female genitalia,
2 including pricking, incising, scraping, or cauterizing the genital
3 area; and

4 (b) "Minor" means any person under the age of 18.

5 **Sec. 4.** RCW 18.130.180 and 2021 c 157 s 7 are each amended to
6 read as follows:

7 The following conduct, acts, or conditions constitute
8 unprofessional conduct for any license holder under the jurisdiction
9 of this chapter:

10 (1) The commission of any act involving moral turpitude,
11 dishonesty, or corruption relating to the practice of the person's
12 profession, whether the act constitutes a crime or not. If the act
13 constitutes a crime, conviction in a criminal proceeding is not a
14 condition precedent to disciplinary action. Upon such a conviction,
15 however, the judgment and sentence is conclusive evidence at the
16 ensuing disciplinary hearing of the guilt of the license holder of
17 the crime described in the indictment or information, and of the
18 person's violation of the statute on which it is based. For the
19 purposes of this section, conviction includes all instances in which
20 a plea of guilty or nolo contendere is the basis for the conviction
21 and all proceedings in which the sentence has been deferred or
22 suspended. Nothing in this section abrogates rights guaranteed under
23 chapter 9.96A RCW;

24 (2) Misrepresentation or concealment of a material fact in
25 obtaining a license or in reinstatement thereof;

26 (3) All advertising which is false, fraudulent, or misleading;

27 (4) Incompetence, negligence, or malpractice which results in
28 injury to a patient or which creates an unreasonable risk that a
29 patient may be harmed. The use of a nontraditional treatment by
30 itself shall not constitute unprofessional conduct, provided that it
31 does not result in injury to a patient or create an unreasonable risk
32 that a patient may be harmed;

33 (5) Suspension, revocation, or restriction of the individual's
34 license to practice any health care profession by competent authority
35 in any state, federal, or foreign jurisdiction, a certified copy of
36 the order, stipulation, or agreement being conclusive evidence of the
37 revocation, suspension, or restriction;

38 (6) Except when authorized by RCW 18.130.345, the possession,
39 use, prescription for use, or distribution of controlled substances

1 or legend drugs in any way other than for legitimate or therapeutic
2 purposes, diversion of controlled substances or legend drugs, the
3 violation of any drug law, or prescribing controlled substances for
4 oneself;

5 (7) Violation of any state or federal statute or administrative
6 rule regulating the profession in question, including any statute or
7 rule defining or establishing standards of patient care or
8 professional conduct or practice;

9 (8) Failure to cooperate with the disciplining authority by:

10 (a) Not furnishing any papers, documents, records, or other
11 items;

12 (b) Not furnishing in writing a full and complete explanation
13 covering the matter contained in the complaint filed with the
14 disciplining authority;

15 (c) Not responding to subpoenas issued by the disciplining
16 authority, whether or not the recipient of the subpoena is the
17 accused in the proceeding; or

18 (d) Not providing reasonable and timely access for authorized
19 representatives of the disciplining authority seeking to perform
20 practice reviews at facilities utilized by the license holder;

21 (9) Failure to comply with an order issued by the disciplining
22 authority or a stipulation for informal disposition entered into with
23 the disciplining authority;

24 (10) Aiding or abetting an unlicensed person to practice when a
25 license is required;

26 (11) Violations of rules established by any health agency;

27 (12) Practice beyond the scope of practice as defined by law or
28 rule;

29 (13) Misrepresentation or fraud in any aspect of the conduct of
30 the business or profession;

31 (14) Failure to adequately supervise auxiliary staff to the
32 extent that the consumer's health or safety is at risk;

33 (15) Engaging in a profession involving contact with the public
34 while suffering from a contagious or infectious disease involving
35 serious risk to public health;

36 (16) Promotion for personal gain of any unnecessary or
37 inefficacious drug, device, treatment, procedure, or service;

38 (17) Conviction of any gross misdemeanor or felony relating to
39 the practice of the person's profession. For the purposes of this
40 subsection, conviction includes all instances in which a plea of

1 guilty or nolo contendere is the basis for conviction and all
2 proceedings in which the sentence has been deferred or suspended.
3 Nothing in this section abrogates rights guaranteed under chapter
4 9.96A RCW;

5 (18) The procuring, or aiding or abetting in procuring, a
6 criminal abortion;

7 (19) The offering, undertaking, or agreeing to cure or treat
8 disease by a secret method, procedure, treatment, or medicine, or the
9 treating, operating, or prescribing for any health condition by a
10 method, means, or procedure which the licensee refuses to divulge
11 upon demand of the disciplining authority;

12 (20) The willful betrayal of a practitioner-patient privilege as
13 recognized by law;

14 (21) Violation of chapter 19.68 RCW or a pattern of violations of
15 RCW 41.05.700(8), 48.43.735(8), 48.49.020, 48.49.030, 71.24.335(8),
16 or 74.09.325(8);

17 (22) Interference with an investigation or disciplinary
18 proceeding by willful misrepresentation of facts before the
19 disciplining authority or its authorized representative, or by the
20 use of threats or harassment against any patient or witness to
21 prevent them from providing evidence in a disciplinary proceeding or
22 any other legal action, or by the use of financial inducements to any
23 patient or witness to prevent or attempt to prevent him or her from
24 providing evidence in a disciplinary proceeding;

25 (23) Current misuse of:

26 (a) Alcohol;

27 (b) Controlled substances; or

28 (c) Legend drugs;

29 (24) Abuse of a client or patient or sexual contact with a client
30 or patient;

31 (25) Acceptance of more than a nominal gratuity, hospitality, or
32 subsidy offered by a representative or vendor of medical or health-
33 related products or services intended for patients, in contemplation
34 of a sale or for use in research publishable in professional
35 journals, where a conflict of interest is presented, as defined by
36 rules of the disciplining authority, in consultation with the
37 department, based on recognized professional ethical standards;

38 (26) Violation of RCW 18.130.420;

39 (27) Performing conversion therapy on a patient under age
40 eighteen;

1 (28) Violation of RCW 18.130.430;

2 (29) Violation of section 3 of this act.

3 **Sec. 5.** RCW 26.44.020 and 2021 c 215 s 142 and 2021 c 67 s 3 are
4 each reenacted and amended to read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
8 female genital mutilation as defined in section 3 of this act, or
9 injury of a child by any person under circumstances which cause harm
10 to the child's health, welfare, or safety, excluding conduct
11 permitted under RCW 9A.16.100; or the negligent treatment or
12 maltreatment of a child by a person responsible for or providing care
13 to the child. An abused child is a child who has been subjected to
14 child abuse or neglect as defined in this section.

15 (2) "Child" or "children" means any person under the age of
16 eighteen years of age.

17 (3) "Child forensic interview" means a developmentally sensitive
18 and legally sound method of gathering factual information regarding
19 allegations of child abuse, child neglect, or exposure to violence.
20 This interview is conducted by a competently trained, neutral
21 professional utilizing techniques informed by research and best
22 practice as part of a larger investigative process.

23 (4) "Child protective services" means those services provided by
24 the department designed to protect children from child abuse and
25 neglect and safeguard such children from future abuse and neglect,
26 and conduct investigations of child abuse and neglect reports.
27 Investigations may be conducted regardless of the location of the
28 alleged abuse or neglect. Child protective services includes referral
29 to services to ameliorate conditions that endanger the welfare of
30 children, the coordination of necessary programs and services
31 relevant to the prevention, intervention, and treatment of child
32 abuse and neglect, and services to children to ensure that each child
33 has a permanent home. In determining whether protective services
34 should be provided, the department shall not decline to provide such
35 services solely because of the child's unwillingness or developmental
36 inability to describe the nature and severity of the abuse or
37 neglect.

38 (5) "Child protective services section" means the child
39 protective services section of the department.

1 (6) "Child who is a candidate for foster care" means a child who
2 the department identifies as being at imminent risk of entering
3 foster care but who can remain safely in the child's home or in a
4 kinship placement as long as services or programs that are necessary
5 to prevent entry of the child into foster care are provided, and
6 includes but is not limited to a child whose adoption or guardianship
7 arrangement is at risk of a disruption or dissolution that would
8 result in a foster care placement. The term includes a child for whom
9 there is reasonable cause to believe that any of the following
10 circumstances exist:

11 (a) The child has been abandoned by the parent as defined in RCW
12 13.34.030 and the child's health, safety, and welfare is seriously
13 endangered as a result;

14 (b) The child has been abused or neglected as defined in this
15 chapter and the child's health, safety, and welfare is seriously
16 endangered as a result;

17 (c) There is no parent capable of meeting the child's needs such
18 that the child is in circumstances that constitute a serious danger
19 to the child's development;

20 (d) The child is otherwise at imminent risk of harm.

21 (7) "Children's advocacy center" means a child-focused facility
22 in good standing with the state chapter for children's advocacy
23 centers and that coordinates a multidisciplinary process for the
24 investigation, prosecution, and treatment of sexual and other types
25 of child abuse. Children's advocacy centers provide a location for
26 forensic interviews and coordinate access to services such as, but
27 not limited to, medical evaluations, advocacy, therapy, and case
28 review by multidisciplinary teams within the context of county
29 protocols as defined in RCW 26.44.180 and 26.44.185.

30 (8) "Clergy" means any regularly licensed or ordained minister,
31 priest, or rabbi of any church or religious denomination, whether
32 acting in an individual capacity or as an employee or agent of any
33 public or private organization or institution.

34 (9) "Court" means the superior court of the state of Washington,
35 juvenile department.

36 (10) "Department" means the department of children, youth, and
37 families.

38 (11) "Experiencing homelessness" means lacking a fixed, regular,
39 and adequate nighttime residence, including circumstances such as
40 sharing the housing of other persons due to loss of housing, economic

1 hardship, fleeing domestic violence, or a similar reason as described
2 in the federal McKinney-Vento homeless assistance act (Title 42
3 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

4 (12) "Family assessment" means a comprehensive assessment of
5 child safety, risk of subsequent child abuse or neglect, and family
6 strengths and needs that is applied to a child abuse or neglect
7 report. Family assessment does not include a determination as to
8 whether child abuse or neglect occurred, but does determine the need
9 for services to address the safety of the child and the risk of
10 subsequent maltreatment.

11 (13) "Family assessment response" means a way of responding to
12 certain reports of child abuse or neglect made under this chapter
13 using a differential response approach to child protective services.
14 The family assessment response shall focus on the safety of the
15 child, the integrity and preservation of the family, and shall assess
16 the status of the child and the family in terms of risk of abuse and
17 neglect including the parent's or guardian's or other caretaker's
18 capacity and willingness to protect the child and, if necessary, plan
19 and arrange the provision of services to reduce the risk and
20 otherwise support the family. No one is named as a perpetrator, and
21 no investigative finding is entered in the record as a result of a
22 family assessment.

23 (14) "Founded" means the determination following an investigation
24 by the department that, based on available information, it is more
25 likely than not that child abuse or neglect did occur.

26 (15) "Inconclusive" means the determination following an
27 investigation by the department of social and health services, prior
28 to October 1, 2008, that based on available information a decision
29 cannot be made that more likely than not, child abuse or neglect did
30 or did not occur.

31 (16) "Institution" means a private or public hospital or any
32 other facility providing medical diagnosis, treatment, or care.

33 (17) "Law enforcement agency" means the police department, the
34 prosecuting attorney, the state patrol, the director of public
35 safety, or the office of the sheriff.

36 (18) "Malice" or "maliciously" means an intent, wish, or design
37 to intimidate, annoy, or injure another person. Such malice may be
38 inferred from an act done in willful disregard of the rights of
39 another, or an act wrongfully done without just cause or excuse, or

1 an act or omission of duty betraying a willful disregard of social
2 duty.

3 (19) "Negligent treatment or maltreatment" means an act or a
4 failure to act, or the cumulative effects of a pattern of conduct,
5 behavior, or inaction, that evidences a serious disregard of
6 consequences of such magnitude as to constitute a clear and present
7 danger to a child's health, welfare, or safety, including but not
8 limited to conduct prohibited under RCW 9A.42.100. When considering
9 whether a clear and present danger exists, evidence of a parent's
10 substance abuse as a contributing factor to negligent treatment or
11 maltreatment shall be given great weight. The fact that siblings
12 share a bedroom is not, in and of itself, negligent treatment or
13 maltreatment. Poverty, experiencing homelessness, or exposure to
14 domestic violence as defined in RCW 7.105.010 that is perpetrated
15 against someone other than the child does not constitute negligent
16 treatment or maltreatment in and of itself.

17 (20) "Pharmacist" means any registered pharmacist under chapter
18 18.64 RCW, whether acting in an individual capacity or as an employee
19 or agent of any public or private organization or institution.

20 (21) "Practitioner of the healing arts" or "practitioner" means a
21 person licensed by this state to practice podiatric medicine and
22 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
23 medicine and surgery, or medicine and surgery or to provide other
24 health services. The term "practitioner" includes a duly accredited
25 Christian Science practitioner. A person who is being furnished
26 Christian Science treatment by a duly accredited Christian Science
27 practitioner will not be considered, for that reason alone, a
28 neglected person for the purposes of this chapter.

29 (22) "Prevention and family services and programs" means specific
30 mental health prevention and treatment services, substance abuse
31 prevention and treatment services, and in-home parent skill-based
32 programs that qualify for federal funding under the federal family
33 first prevention services act, P.L. 115-123. For purposes of this
34 chapter, prevention and family services and programs are not remedial
35 services or family reunification services as described in RCW
36 13.34.025(2).

37 (23) "Professional school personnel" include, but are not limited
38 to, teachers, counselors, administrators, child care facility
39 personnel, and school nurses.

1 (24) "Psychologist" means any person licensed to practice
2 psychology under chapter 18.83 RCW, whether acting in an individual
3 capacity or as an employee or agent of any public or private
4 organization or institution.

5 (25) "Screened-out report" means a report of alleged child abuse
6 or neglect that the department has determined does not rise to the
7 level of a credible report of abuse or neglect and is not referred
8 for investigation.

9 (26) "Sexual exploitation" includes: (a) Allowing, permitting, or
10 encouraging a child to engage in prostitution by any person; or (b)
11 allowing, permitting, encouraging, or engaging in the obscene or
12 pornographic photographing, filming, or depicting of a child by any
13 person.

14 (27) "Sexually aggressive youth" means a child who is defined in
15 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

16 (28) "Social service counselor" means anyone engaged in a
17 professional capacity during the regular course of employment in
18 encouraging or promoting the health, welfare, support, or education
19 of children, or providing social services to adults or families,
20 including mental health, drug and alcohol treatment, and domestic
21 violence programs, whether in an individual capacity, or as an
22 employee or agent of any public or private organization or
23 institution.

24 (29) "Unfounded" means the determination following an
25 investigation by the department that available information indicates
26 that, more likely than not, child abuse or neglect did not occur, or
27 that there is insufficient evidence for the department to determine
28 whether the alleged child abuse did or did not occur.

29 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.70
30 RCW to read as follows:

31 (1) The department must establish an education program for the
32 prevention of female genital mutilation. The program must be designed
33 to provide information about the health risks and emotional trauma
34 inflicted by the practice of female genital mutilation, as well as
35 the civil and criminal penalties for committing female genital
36 mutilation.

37 (2) The department must develop policies and procedures to
38 promote partnerships with relevant stakeholders to prevent female

1 genital mutilation and to protect and provide assistance to victims
2 of female genital mutilation, including partnerships with:

3 (a) Relevant state agencies that provide services to persons at
4 risk of female genital mutilation or persons who have been subjected
5 to female genital mutilation;

6 (b) The department of children, youth, and families;

7 (c) The Washington state patrol;

8 (d) The attorney general; and

9 (e) Other government entities and nongovernmental organizations.

10 (3) The department must make recommendations and develop
11 procedures regarding strategies and methodologies for training health
12 care providers as defined in RCW 70.02.010 on recognizing the risk
13 factors associated with female genital mutilation and the signs that
14 a person may be a victim of female genital mutilation.

15 (4) Subject to the availability of amounts appropriated for this
16 specific purpose, the department may contract with nongovernmental
17 organizations, entities, or persons with experience working with
18 victims of female genital mutilation to provide training and
19 materials and other services as the department deems necessary.

20 (5) The department may adopt rules necessary to implement this
21 section.

22 (6) For purposes of this section, "female genital mutilation" has
23 the meaning provided in section 3 of this act.

24 NEW SECTION. **Sec. 7.** A new section is added to chapter 9A.36
25 RCW to read as follows:

26 (1) Except as provided in subsection (3) of this section, a
27 person is guilty of female genital mutilation when the person
28 knowingly:

29 (a) Commits female genital mutilation on a minor; or

30 (b) Transports a minor, or causes or permits the transport of a
31 minor, for the purpose of the performance of female genital
32 mutilation on the minor.

33 (2) Female genital mutilation is a gross misdemeanor.

34 (3) A medical procedure is not a violation of this section if it
35 is performed by a licensed health care provider and is necessary to
36 the health of the minor.

37 (4) It is not a defense to a violation of this section that a
38 person believes the person's actions were conducted as a matter of
39 culture, custom, religion, or ritual, or that the minor on whom

1 female genital mutilation was performed consented to female genital
2 mutilation, or that the minor's parent or guardian consented to
3 female genital mutilation.

4 (5) For the purposes of this section:

5 (a) "Female genital mutilation" has the meaning provided in
6 section 2 of this act; and

7 (b) "Minor" means any person under the age of 18.

8 **Sec. 8.** RCW 9A.04.080 and 2022 c 282 s 4 are each amended to
9 read as follows:

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

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

14 (i) Murder;

15 (ii) Homicide by abuse;

16 (iii) Arson if a death results;

17 (iv) Vehicular homicide;

18 (v) Vehicular assault if a death results;

19 (vi) Hit-and-run injury-accident if a death results (RCW
20 46.52.020(4));

21 (vii) Rape in the first degree (RCW 9A.44.040) if the victim is
22 under the age of sixteen;

23 (viii) Rape in the second degree (RCW 9A.44.050) if the victim is
24 under the age of sixteen;

25 (ix) Rape of a child in the first degree (RCW 9A.44.073);

26 (x) Rape of a child in the second degree (RCW 9A.44.076);

27 (xi) Rape of a child in the third degree (RCW 9A.44.079);

28 (xii) Sexual misconduct with a minor in the first degree (RCW
29 9A.44.093);

30 (xiii) Custodial sexual misconduct in the first degree (RCW
31 9A.44.160);

32 (xiv) Child molestation in the first degree (RCW 9A.44.083);

33 (xv) Child molestation in the second degree (RCW 9A.44.086);

34 (xvi) Child molestation in the third degree (RCW 9A.44.089); and

35 (xvii) Sexual exploitation of a minor (RCW 9.68A.040).

36 (b) Except as provided in (a) of this subsection, the following
37 offenses may not be prosecuted more than twenty years after its
38 commission:

39 (i) Rape in the first degree (RCW 9A.44.040);

1 (ii) Rape in the second degree (RCW 9A.44.050); or
2 (iii) Indecent liberties (RCW 9A.44.100).

3 (c) The following offenses may not be prosecuted more than ten
4 years after its commission:

5 (i) Any felony committed by a public officer if the commission is
6 in connection with the duties of his or her office or constitutes a
7 breach of his or her public duty or a violation of the oath of
8 office;

9 (ii) Arson if no death results;

10 (iii) Rape in the third degree (RCW 9A.44.060);

11 (iv) Attempted murder; or

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

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

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

18 (ii) RCW 9.68A.101 (promoting commercial sexual abuse of a
19 minor);

20 (iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse
21 of a minor); or

22 (iv) RCW 9A.64.020 (incest).

23 (e) A violation of section 7 of this act may be prosecuted up to
24 10 years after its commission, or if committed against a victim under
25 the age of 18, up to the victim's 28th birthday, whichever is later.

26 (f) The following offenses may not be prosecuted more than six
27 years after its commission or discovery, whichever occurs later:

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

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

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

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

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

34 (vi) Trafficking in stolen property in the first or second degree
35 under chapter 9A.82 RCW in which the stolen property is a motor
36 vehicle or major component part of a motor vehicle as defined in RCW
37 46.80.010; or

38 (vii) Violations of RCW 82.32.290 (2)(a)(iii) or (4).

1 ~~((f))~~ (g) The following offenses may not be prosecuted more
2 than five years after its commission: Any class C felony under
3 chapter 74.09, 82.36, or 82.38 RCW.

4 ~~((g))~~ (h) Bigamy may not be prosecuted more than three years
5 after the time specified in RCW 9A.64.010.

6 ~~((h))~~ (i) A violation of RCW 9A.56.030 may not be prosecuted
7 more than three years after the discovery of the offense when the
8 victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

9 ~~((i))~~ (j) No other felony may be prosecuted more than three
10 years after its commission; except that in a prosecution under RCW
11 9A.44.115, if the person who was viewed, photographed, or filmed did
12 not realize at the time that he or she was being viewed,
13 photographed, or filmed, the prosecution must be commenced within two
14 years of the time the person who was viewed or in the photograph or
15 film first learns that he or she was viewed, photographed, or filmed.

16 ~~((j))~~ (k) No gross misdemeanor, except as provided under (e) of
17 this subsection, may be prosecuted more than two years after its
18 commission.

19 ~~((k))~~ (l) No misdemeanor may be prosecuted more than one year
20 after its commission.

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

24 (3) In any prosecution for a sex offense as defined in RCW
25 9.94A.030, the periods of limitation prescribed in subsection (1) of
26 this section run from the date of commission or two years from the
27 date on which the identity of the suspect is conclusively established
28 by deoxyribonucleic acid testing or by photograph as defined in RCW
29 9.68A.011, whichever is later.

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

36 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
37 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes
2 effect immediately.

--- **END** ---