
SUBSTITUTE SENATE BILL 6031

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By Senate Business, Trade & Economic Development (originally sponsored by Senators Lovick, Fortunato, Conway, Cortes, Frame, Llias, Riccelli, Shewmake, Trudeau, Warnick, Wellman, C. Wilson, and J. Wilson; by request of Insurance Commissioner)

READ FIRST TIME 01/23/26.

1 AN ACT Relating to enhancing public safety and enforcement of
2 crimes that impact insurance; amending RCW 48.135.005, 48.135.010,
3 48.135.020, 48.135.040, 48.135.050, 48.135.060, and 48.135.070;
4 reenacting and amending RCW 9A.04.080; adding a new section to
5 chapter 48.135 RCW; and prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.135
8 RCW to read as follows:

9 For purposes of this chapter, unless the context clearly requires
10 otherwise, "insurer" means an entity described in RCW 48.01.050 and
11 includes, but is not limited to, an insurance company authorized
12 under chapter 48.05 RCW, a disability insurer regulated under chapter
13 48.20 or 48.21 RCW, a health care service contractor registered under
14 chapter 48.44 RCW, and a health maintenance organization registered
15 under chapter 48.46 RCW.

16 **Sec. 2.** RCW 48.135.005 and 2006 c 284 s 1 are each amended to
17 read as follows:

18 The purpose of this chapter and sections 14 through 17, chapter
19 284, Laws of 2006 is to confront the problem of insurance fraud (~~in~~
20 ~~this state by making a concerted effort to detect insurance fraud,~~

1 ~~reduce the occurrence of fraud through criminal enforcement and~~
2 ~~deterrence, require restitution of fraudulently obtained insurance~~
3 ~~benefits and expenses incurred by an insurer in investigating~~
4 ~~fraudulent claims,)) and other crimes that impact the insurance
5 industry, or insurance consumers or beneficiaries in this state by
6 updating definitions to address recurring or technologically
7 sophisticated fraud schemes, and making a concerted effort to: Detect
8 such crimes, reduce their occurrence through criminal enforcement and
9 deterrence; require restitution of expenses incurred by an insurer in
10 investigating or paying fraudulent claims or resulting from other
11 crimes; require restitution to insurance consumers victimized by
12 insurance fraud and other insurance-related crimes; and reduce the
13 amount of premium dollars used to pay fraudulent claims. The primary
14 focus of the insurance fraud program is on organized (~~fraudulent~~
15 ~~activities committed against insurance companies)) or collusive
16 criminal schemes that impact insurance companies or insurance
17 consumers.~~~~

18 **Sec. 3.** RCW 48.135.010 and 2009 c 162 s 32 are each amended to
19 read as follows:

20 (~~The definitions in this section apply throughout this chapter~~
21 ~~unless the context clearly requires otherwise.~~

22 ~~(1) "Insurance fraud" means an act or omission committed by a~~
23 ~~person who,)) (1) A person is guilty of insurance fraud if the person
24 knowingly, and with intent to defraud, commits, or conceals any
25 material information concerning, one or more of the following:~~

26 (a) Presenting, causing to be presented, or preparing with
27 knowledge or belief that it will be presented to or by an insurer,
28 insurance producer, or surplus line broker, false information as part
29 of, in support of, or concerning a fact material to one or more of
30 the following:

31 (i) An application for the issuance or renewal of an insurance
32 policy;

33 (ii) The rating of an insurance policy or contract;

34 (iii) A claim for payment or benefit pursuant to an insurance
35 policy;

36 (iv) Premiums paid on an insurance policy;

37 (v) Payments made in accordance with the terms of an insurance
38 policy; or

39 (vi) The reinstatement of an insurance policy;

1 (b) (~~Willful embezzlement~~) Embezzling, abstracting, purloining,
2 or engaging or conspiring in conversion of moneys, funds, premiums,
3 credits, benefits, or other property of an insurer ((~~or~~)), person
4 engaged in the business of insurance ((~~or~~
5 (~~e~~)), or insurance consumer or beneficiary;

6 (c) Submitting of a bill or claim to an insurer or insurance
7 consumer:

8 (i) For medical, vehicle, or property services not rendered,
9 vehicle or property repairs not made, or supplies not provided;

10 (ii) Using a current procedural terminology (CPT) code or health
11 care common procedure coding system (HCPCS) code not reasonably
12 appropriate to the service provided or procedure performed; or

13 (iii) Using the name, credentials, or national provider
14 identifier (NPI) of a health care provider who neither rendered nor
15 supervised the billed service;

16 (d) Submitting a statement, estimate, invoice, bid, proposal,
17 proof of loss, or any other document that misrepresents the scope of
18 damages or costs of repairs associated with a property insurance
19 claim;

20 (e) Falsifying diagnostic or treatment information in a patient's
21 medical file to bill for treatments or prescriptions that would not
22 otherwise have been covered by the insurer;

23 (f) Misrepresenting the identity of, or impersonating, a person,
24 government representative, or business in connection with an
25 insurance policy application, premium payment, claim, or the
26 solicitation or performance of mitigation, restoration, or repair
27 services;

28 (g) Procuring or handling funds intended for payment of premium
29 in any of the following ways:

30 (i) Collecting or receiving funds intended for the payment of
31 premium from an individual or entity, or under a premium finance
32 agreement, but misappropriating or converting the funds, or failing
33 to remit the funds to the insurer in a prompt manner;

34 (ii) Misrepresenting the amount of premium owed or the terms of a
35 premium finance agreement; or

36 (iii) Submitting falsified or forged premium finance agreements
37 or insurance policy information to obtain premium finance loan
38 proceeds;

1 (h) When appraising or umpiring under the appraisal clause of an
2 insurance contract, failing to do so in an impartial manner,
3 including:

4 (i) In a self-interested manner, such as on a contingency fee
5 basis, or to secure additional appraisal or umpiring opportunities;
6 or

7 (ii) According to influence from an insurer, policyholder,
8 claimant, or other; or

9 (i) Attempting to commit, aiding or abetting in the commission
10 of, or conspiracy to commit the acts or omissions specified in this
11 subsection (1).

12 ~~((The definition of insurance fraud is for illustrative purposes~~
13 ~~only under this chapter to describe the nature of the behavior to be~~
14 ~~reported and investigated, and is not intended in any manner to~~
15 ~~create or modify the definition of any existing criminal acts nor to~~
16 ~~create or modify the burdens of proof in any criminal prosecution~~
17 ~~brought as a result of an investigation under this chapter.~~

18 ~~(2) "Insurer" means an insurance company authorized under chapter~~
19 ~~48.05 RCW, a health care service contractor registered under chapter~~
20 ~~48.44 RCW, and a health care maintenance organization registered~~
21 ~~under chapter 48.46 RCW.)) (2) (a) Insurance fraud is a class B~~
22 ~~felony.~~

23 (b) For purposes of this section, each instance of insurance
24 fraud constitutes a separate offense.

25 (c) Insurance fraud may be charged and prosecuted in any county
26 where the crime occurred, the accused resides, an insurance consumer
27 or beneficiary victimized by the crime resides, or an impacted
28 insurer has its primary place of business within the state.

29 (3) (a) For purposes of determining under subsection (1) (c) (ii) of
30 this section whether a current procedural terminology code was
31 reasonably appropriate for the service provided or procedure
32 performed, the trier of fact must consider any evidence presented,
33 and the applicable current procedural terminology code set published
34 by the American medical association.

35 (b) For purposes of determining under subsection (1) (c) (ii) of
36 this section whether a health care common procedure coding system
37 code was reasonably appropriate for the service provided or the
38 procedure performed, the trier of fact must consider any evidence
39 presented, and the applicable health care common procedure coding

1 system code set published by the department of health and human
2 services, centers for medicare and medicaid services.

3 **Sec. 4.** RCW 48.135.020 and 2006 c 284 s 3 are each amended to
4 read as follows:

5 (1) There is established an insurance fraud program within the
6 office of the insurance commissioner. The commissioner may employ
7 supervisory, legal, ~~((and))~~ investigative, and other personnel for
8 the program, who must be qualified by training and experience in the
9 areas of detection, investigation, or prosecution of fraud ~~((in which~~
10 ~~the insurance industry is a victim))~~ and other crimes in which the
11 insurance industry or an insurance consumer or beneficiary is a
12 victim or is impacted. The chief of the fraud program is a full-time
13 position that is appointed by the commissioner. The chief serves at
14 the pleasure of the commissioner. The commissioner shall provide
15 office space, equipment, supplies, investigators, clerical staff, and
16 other staff that are necessary for the program to carry out its
17 duties and responsibilities under this chapter.

18 (2) The commissioner may fund one or more state patrol officers
19 to work with the insurance fraud program and the funding for the
20 officers must be paid out of the budget of the insurance fraud
21 program.

22 (3) The commissioner may fund one or more assistant attorneys
23 general and support staff to work with the insurance fraud program
24 and the funding for the assistant attorneys general and support staff
25 must be paid out of the budget of the insurance fraud program.

26 (4) The commissioner may make grants to or reimburse local
27 prosecuting attorneys to assist in the prosecution of insurance
28 fraud. The grants must be paid out of the budget of the insurance
29 fraud program. The commissioner may investigate and seek prosecution
30 of crimes involving insurance fraud upon the request of or with the
31 concurrence of the county prosecuting attorney of the jurisdiction in
32 which the offense has occurred. Before such a prosecution, the
33 commissioner and the county in which the offense occurred shall reach
34 an agreement regarding the payment of all costs, including expert
35 witness fees, and defense attorneys' fees associated with any such
36 prosecution.

37 ~~((5) Staff levels for this program, until June 30, 2010, shall~~
38 ~~not exceed 8.0 full-time equivalents.))~~

1 **Sec. 5.** RCW 48.135.040 and 2006 c 284 s 5 are each amended to
2 read as follows:

3 (1) The commissioner may:

4 (a) Employ and train personnel, and contract for goods and
5 services, to achieve the purposes of this chapter and to employ legal
6 counsel, investigators, auditors, financial or digital forensic
7 staff, and clerical support personnel and other personnel as the
8 commissioner determines necessary from time to time to accomplish the
9 purposes of this chapter;

10 (b) Initiate inquiries and conduct investigations when the
11 commissioner has cause to believe that insurance fraud or other
12 crimes that impact the insurance industry or insurance consumers or
13 beneficiaries, has been, is being, or is about to be committed;

14 (c) Conduct independent ((~~examinations~~)) investigations of
15 alleged insurance fraud or other crimes that impact the insurance
16 industry or insurance consumers or beneficiaries;

17 (d) Review notices, reports, or complaints of suspected insurance
18 fraud ((~~activities~~)) or other crimes that impact the insurance
19 industry or insurance consumers or beneficiaries, from federal,
20 state, and local law enforcement and regulatory agencies, persons
21 engaged in the business of insurance, and any other person to
22 determine whether the reports require further investigation;

23 (e) Share records and evidence with federal, state, or local law
24 enforcement ((~~or regulatory agencies, and enter into interagency~~)),
25 prosecutorial, or regulatory entities, and enter into interagency,
26 joint operation, or cross commission agreements;

27 (f) Conduct investigations outside this state. If the information
28 the commissioner seeks to obtain is located outside this state, the
29 person from whom the information is sought may make the information
30 available to the commissioner to examine at the place where the
31 information is located. The commissioner may designate
32 representatives, including officials of the state in which the matter
33 is located, to inspect the information on behalf of the commissioner,
34 and the commissioner may respond to similar requests from officials
35 of other states;

36 (g) Administer oaths and affirmations, subpoena witnesses, compel
37 their attendance, ((~~take~~)) obtain evidence, and require and compel
38 the production of any books, papers, correspondence, memoranda,
39 agreements, data, or other documents or records that the commissioner
40 deems relevant or material to an inquiry concerning insurance fraud

1 or other crimes that impact the insurance industry or insurance
2 consumers or beneficiaries;

3 (h) Report incidents of alleged insurance fraud or other crimes
4 that impact the insurance industry or insurance consumers or
5 beneficiaries, disclosed by its investigations to the appropriate
6 prosecutorial authority(~~(r)~~) including, but not limited to, the
7 attorney general, a county or federal prosecuting authority, and to
8 any other appropriate law enforcement, administrative, regulatory, or
9 licensing agency;

10 (i) Assemble evidence, prepare charges, and work closely with any
11 prosecutorial authority having jurisdiction to pursue prosecution of
12 insurance fraud or other crimes that impact the insurance industry or
13 insurance consumers or beneficiaries; ((and))

14 (j) Undertake independent studies to determine the extent of
15 (~~(fraudulent insurance acts)~~) criminal acts that impact the insurance
16 industry or insurance consumers or beneficiaries; and

17 (k) Acquire and use technology to accomplish the purposes of this
18 chapter including, but not limited to, detecting crime and collusive
19 schemes, and organizing and analyzing data, evidence, investigations,
20 and exhibits.

21 (2) The fraud program investigators who have obtained
22 certification as a peace officer under RCW 43.101.095 have the powers
23 and status of a limited authority Washington peace officer.

24 **Sec. 6.** RCW 48.135.050 and 2006 c 284 s 6 are each amended to
25 read as follows:

26 (1) Any insurer or licensee of the commissioner that has
27 reasonable belief that an act of insurance fraud (~~(which is or may be~~
28 ~~a crime under Washington law))~~ or other crimes that impact the
29 insurance industry or insurance consumers or beneficiaries, has been,
30 is being, or is about to be committed shall furnish and disclose the
31 knowledge and information to the commissioner or the national
32 insurance crime bureau, the national association of insurance
33 commissioners, or similar organization, who shall disclose the
34 information to the commissioner(~~(, and)~~). The insurer and any
35 licensee of the commissioner shall cooperate fully with any
36 investigation conducted by the commissioner.

37 (2) Any person that has a reasonable belief that an act of
38 insurance fraud (~~(which is or may be a crime under Washington law))~~
39 or other crimes that impact the insurance industry or insurance

1 consumers or beneficiaries, has been, is being, or is about to be
2 committed; or any person who collects, reviews, or analyzes
3 information concerning insurance fraud (~~(which is or may be a crime~~
4 ~~under Washington law)~~) or other crimes that impact the insurance
5 industry or insurance consumers or beneficiaries, may furnish and
6 disclose any information in its possession concerning such an act to
7 the commissioner or to an authorized representative of an insurer
8 that requests the information for the purpose of detecting,
9 prosecuting, or preventing (~~(insurance fraud)~~) crime that impacts the
10 insurance industry, or insurance consumers or beneficiaries.

11 (3) Any state or local law enforcement agency, public safety
12 entity, or regulatory entity for health care or financial service
13 providers, that has reasonable belief that an act of insurance fraud
14 or other crime that impacts the insurance industry or insurance
15 consumers or beneficiaries, has been, is being, or is about to be
16 committed, shall furnish and disclose any information in its
17 possession concerning such an act to the commissioner.

18 (4) Any business entity registered to do business in this state
19 under chapter 23.95 RCW that executes an agreement to finance the
20 payment of a premium for an insurance policy shall send a copy of the
21 executed agreement and the associated insurance policy to the
22 commissioner within 30 calendar days of executing the agreement.

23 **Sec. 7.** RCW 48.135.060 and 2006 c 284 s 7 are each amended to
24 read as follows:

25 (1) Documents, materials, or other information as described in
26 subsection (3), (4), or both of this section are exempt from public
27 inspection and copying under chapter (~~(s 42.17 and)~~) 42.56 RCW. The
28 commissioner is authorized to use such documents, materials, or other
29 information in the furtherance of any regulatory or legal action
30 brought as a part of the commissioner's official duties.

31 (2) The commissioner:

32 (a) May share documents, materials, or other information,
33 including the documents, materials, or information subject to
34 subsection (1) of this section, with (i) the national association of
35 insurance commissioners and its affiliates and subsidiaries, (ii)
36 regulatory and law enforcement officials of other states and nations,
37 the federal government, and international authorities, (iii) the
38 national insurance crime bureau, and (iv) an insurer with respect to
39 whom the suspected fraudulent claim may be perpetrated;

1 (b) May receive documents, materials, or information from (~~(i)~~
2 ~~the~~) any source including, but not limited to: (i) The national
3 association of insurance commissioners and its affiliates and
4 subsidiaries, (ii) regulatory and law enforcement officials of other
5 states and nations, the federal government, and international
6 authorities, (iii) the national insurance crime bureau, and (iv) an
7 insurer with respect to whom the suspected fraudulent claim may be
8 perpetrated and any such documents, materials, or information as
9 described in subsection (3), (4), or both of this section are exempt
10 from public inspection and copying; and

11 (c) May enter into agreements governing the sharing and use of
12 information consistent with this subsection.

13 (3) Specific intelligence information and specific investigative
14 records compiled by investigative, law enforcement, and penology
15 agencies, the fraud program of the office of the insurance
16 commissioner, and state agencies vested with the responsibility to
17 discipline members of any profession, the nondisclosure of which is
18 essential to effective law enforcement or for the protection of any
19 person's right to privacy, are exempt under subsection (1) of this
20 section.

21 (4) Information revealing the identity of persons who are
22 witnesses to or victims of crime or who file complaints with
23 investigative, law enforcement, and penology agencies, or the fraud
24 program of the office of the insurance commissioner, if disclosure
25 would endanger any person's life, physical safety, or property, is
26 exempt under subsection (1) of this section. If at the time a
27 complaint is filed the complainant, victim, or witness indicates a
28 desire for disclosure or nondisclosure, such desire shall govern.

29 (5) No waiver of an existing privilege or claim of
30 confidentiality in the documents, materials, or information may occur
31 as a result of disclosure to the commissioner under this section or
32 as a result of sharing documents, materials, or information as
33 authorized in subsection (2) of this section.

34 (6) Documents, materials, or other information that is in the
35 possession of persons other than the commissioner that would
36 otherwise not be confidential by law or privileged do not become
37 confidential by law or privileged by providing the documents,
38 materials, or other information to the commissioner.

1 **Sec. 8.** RCW 48.135.070 and 2006 c 284 s 8 are each amended to
2 read as follows:

3 In a criminal prosecution for any crime under Washington law in
4 which (~~the insurance company is a victim, the insurance company~~) an
5 insured person or an insurance company, consumer, or beneficiary is a
6 victim, the insured person, insurance company, consumer, or
7 beneficiary is entitled to be considered as a victim in any
8 restitution ordered by the court under RCW 9.94A.753 or 9.94A.750, as
9 part of the criminal penalty imposed against the defendant convicted
10 for such a violation.

11 **Sec. 9.** RCW 9A.04.080 and 2024 c 298 s 16 and 2024 c 297 s 11
12 are each reenacted and amended to read as follows:

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

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

17 (i) Murder;

18 (ii) Homicide by abuse;

19 (iii) Arson if a death results;

20 (iv) Vehicular homicide;

21 (v) Vehicular assault if a death results;

22 (vi) Hit-and-run injury-accident if a death results (RCW
23 46.52.020(4));

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

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

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

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

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

31 (xii) Sexual misconduct with a minor in the first degree (RCW
32 9A.44.093);

33 (xiii) Custodial sexual misconduct in the first degree (RCW
34 9A.44.160);

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

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

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

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

1 (xviii) Rape in the first degree (RCW 9A.44.040) if the
2 perpetrator is a first responder as defined in RCW 70.54.430 and if
3 the first responder used the first responder's position to facilitate
4 the commission of the offense;

5 (xix) Rape in the second degree (RCW 9A.44.050) if the
6 perpetrator is a first responder as defined in RCW 70.54.430 and if
7 the first responder used the first responder's position to facilitate
8 the commission of the offense;

9 (xx) Rape in the third degree (RCW 9A.44.060) if the perpetrator
10 is a first responder as defined in RCW 70.54.430 and if the first
11 responder used the first responder's position to facilitate the
12 commission of the offense;

13 (xxi) Trafficking (RCW 9A.40.100) if the victim is under the age
14 of 18;

15 (xxii) Commercial sexual abuse of a minor (RCW 9.68A.100);

16 (xxiii) Promoting commercial sexual abuse of a minor (RCW
17 9.68A.101);

18 (xxiv) Promoting travel for commercial sexual abuse of a minor
19 (RCW 9.68A.102); and

20 (xxv) Permitting commercial sexual abuse of a minor (RCW
21 9.68A.103).

22 (b) Except as provided in (a) of this subsection, the following
23 offenses may not be prosecuted more than 20 years after its
24 commission:

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

26 (ii) Rape in the second degree (RCW 9A.44.050); or

27 (iii) Indecent liberties (RCW 9A.44.100).

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

30 (i) Any felony committed by a public officer if the commission is
31 in connection with the duties of his or her office or constitutes a
32 breach of his or her public duty or a violation of the oath of
33 office;

34 (ii) Arson if no death results;

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

36 (iv) Attempted murder; or

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

38 (d) A violation of this offense listed in this subsection (1)(d)
39 may be prosecuted up to 10 years after its commission or, if

1 committed against a victim under the age of 18, up to the victim's
2 30th birthday, whichever is later: RCW 9A.64.020 (incest).

3 (e) A violation of RCW 9A.36.170 may be prosecuted up to 10 years
4 after its commission, or if committed against a victim under the age
5 of 18, up to the victim's 28th birthday, whichever is later.

6 (f) A violation of RCW 48.135.010 may not be prosecuted more than
7 10 years after its commission or discovery, whichever is later.

8 (g) The following offenses may not be prosecuted more than six
9 years after its commission or discovery, whichever occurs later:

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

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

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

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

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

16 (vi) Trafficking in stolen property in the first or second degree
17 under chapter 9A.82 RCW in which the stolen property is a motor
18 vehicle or major component part of a motor vehicle as defined in RCW
19 46.80.010; or

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

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

24 (~~(h)~~) (i) Bigamy may not be prosecuted more than three years
25 after the time specified in RCW 9A.64.010.

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

29 (~~(j)~~) (k) No other felony may be prosecuted more than three
30 years after its commission; except that in a prosecution under RCW
31 9A.44.115, if the person who was viewed, photographed, or filmed did
32 not realize at the time that he or she was being viewed,
33 photographed, or filmed, the prosecution must be commenced within two
34 years of the time the person who was viewed or in the photograph or
35 film first learns that he or she was viewed, photographed, or filmed.

36 (~~(k)~~) (l) No gross misdemeanor, except as provided under (e) of
37 this subsection, may be prosecuted more than two years after its
38 commission.

39 (~~(l)~~) (m) No misdemeanor may be prosecuted more than one year
40 after its commission.

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

4 (3) In any prosecution for a sex offense as defined in RCW
5 9.94A.030, the periods of limitation prescribed in subsection (1) of
6 this section run from the date of commission or four years from the
7 date on which the identity of the suspect is conclusively established
8 by deoxyribonucleic acid testing or by photograph as defined in RCW
9 9.68A.011, whichever is later.

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

16 NEW SECTION. **Sec. 10.** If any provision of this act or its
17 application to any person or circumstance is held invalid, the
18 remainder of the act or the application of the provision to other
19 persons or circumstances is not affected.

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