

SENATE BILL REPORT

SB 5541

AS PASSED SENATE, MARCH 9, 1993

Brief Description: Revising the statute of limitations for certain sex offenses.

SPONSORS: Senators Fraser, A. Smith, Sellar, McAuliffe, Quigley and Winsley

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, and Roach.

Staff: Tom McBride (786-7448)

Hearing Dates: February 18, 1993; February 24, 1993

BACKGROUND:

The statute of limitations for Rape 1 and Rape 2, for a person over 14 years, is three years. If the victim is a child under the age of 14 years, the statute of limitations is seven years or three years after the victim's 18th birthday.

The statute of limitations for incest is three years, or if the victim is under 14 years of age seven years or three years after the victim's 18th birthday.

In rape investigations, physical evidence is often recovered. This may include bodily fluids, bodily tissues, trace evidence like fingerprints, etc. Scientific testing can compare this evidence to a suspect, if one is known.

Additionally, the victim may be able to identify the suspect, if he or she is found by police.

Cases arise where evidence exists but there is not a known suspect to compare the evidence with or to have the victim identify. In these cases a suspect is sometimes identified years later, after the statute of limitations has expired, and the evidence cannot be used to prosecute.

SUMMARY:

The statute of limitations for Rape 1 and Rape 2 is extended to 10 years, if the victim reports the rape to law enforcement within one year of its commission.

The statute of limitations for Rape 1 and Rape 2, of a child under 14 years, is the above 10 years or three years after the child's 18th birthday, if the victim reports within one year.

The statute of limitations for incest victims under the age of 14 years is extended to all incest victims regardless of age (i.e. seven years or three years after the victim's 18th birthday).

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Given the increase in forensic tools available to law enforcement, more crimes are being solved at later dates when a suspect is identified.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Senator Fraser, prime sponsor; Rebecca Roe, King County Prosecuting Attorney's office; Carol Buck, Clark County Police; Mary Brown, Washington Coalition of Sex Assault Victims; Cathy Slider, victim