

SSB 5042 - H COMM AMD

By Committee on Criminal Justice & Corrections

1 On page 1, strike everything after the enacting clause and
2 insert

3 **"Sec. 1.** RCW 9A.04.080 and 1998 c 221 s 2 are each amended to
4 read as follows:

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

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

9 (i) Murder;

10 (ii) Homicide by abuse;

11 (iii) Arson if a death results;

12 (iv) Vehicular homicide;

13 (v) Vehicular assault if a death results;

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

16 (vii) Rape in the first and second degree if the victim is
17 under the age of eighteen at the time the crime is committed (RCW
18 9A.44.040 and 9A.44.050);

19 (viii) Rape of a child in the first and second degree (RCW
20 9A.44.073 and 9A.44.076).

21 (b) The following offenses shall not be prosecuted more than
22 ten years after their commission:

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

27 (ii) Arson if no death results; or

28 (iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is
29 reported to a law enforcement agency within one year of its
30 commission, and the victim is eighteen years or older on the date

1 ~~the crime is committed; ((except that if the victim is under~~
2 ~~fourteen years of age when the rape is committed and the rape is~~
3 ~~reported to a law enforcement agency within one year of its~~
4 ~~commission, the violation may be prosecuted up to three years after~~
5 ~~the victim's eighteenth birthday or up to ten years after the~~
6 ~~rape's commission, whichever is later.)) If a violation of RCW~~
7 ~~9A.44.040 or 9A.44.050 is not reported within one year, and the~~
8 ~~victim is eighteen years or older on the date the crime is~~
9 ~~committed, the rape may not be prosecuted ((:—(A))) more than~~
10 ~~three years after its commission if the violation was committed~~
11 ~~against a victim fourteen years of age or older; or (B) more than~~
12 ~~three years after the victim's eighteenth birthday or more than~~
13 ~~seven years after the rape's commission, whichever is later, if the~~
14 ~~violation was committed against a victim under fourteen years of~~
15 ~~age)).~~

16 (c) Violations of the following statutes shall not be
17 prosecuted more than three years after the victim's eighteenth
18 birthday or more than seven years after their commission, whichever
19 is later: RCW ((9A.44.073, 9A.44.076,)) 9A.44.083, 9A.44.086,
20 *9A.44.070, 9A.44.080, 9A.44.100(1)(b), or 9A.64.020.

21 (d) The following offenses shall not be prosecuted more than
22 six years after their commission: Violations of RCW 9A.82.060 or
23 9A.82.080.

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

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

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

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

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

3 (j) No misdemeanor may be prosecuted more than one year after
4 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) If, before the end of a period of limitation prescribed in
9 subsection (1) of this section, an indictment has been found or a
10 complaint or an information has been filed, and the indictment,
11 complaint, or information is set aside, then the period of
12 limitation is extended by a period equal to the length of time from
13 the finding or filing to the setting aside."

EFFECT: Strikes the language creating an alternate date on which the statutes of limitations for all felony sex offenses begins to run. Removes all statutes of limitation periods for the crimes of rape in the first and second degree if the victim is under the age of eighteen at the time the crime is committed, and for rape of a child in the first and second degree.