
**Criminal Justice & Corrections
Committee**

HB 1453

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

Sponsors: Representatives Ahern, O'Brien, Holmquist, Lovick, Orcutt, Williams, Roach, Pearson, Rodne, Campbell, Strow, McDonald, Serben, Crouse, Haler, Pettigrew, P. Sullivan and Simpson.

Brief Summary of Bill

- Removes all statutes of limitations for sex offenses committed against a minor and permits all such crimes to be prosecuted at any time following the commission of the crime.

Hearing Date: 2/8/05

Staff: Kathryn Leathers (786-7114).

Background:

Most criminal offenses are subject to specific time limitations during which the crime must be prosecuted. The offenses for which no statute of limitations applies, and therefore may be prosecuted at any time after their commission, include murder, homicide by abuse, vehicular homicide and, if death results, arson, hit-and-run injury-accident, and vehicular assault.

Sex offenses committed against minors are subject to the following limitations periods:

Rape in the first or second degree:

If the victim is either an adult or a minor age 14 or older and the crime is reported to law enforcement within one year of the date of the crime, the limitations period is 10 years after commission of the crime.

If the victim is under the age of 14 and the crime is reported to law enforcement within one year of the date of the crime, the offense may be prosecuted up to three years after the victim's 18th birthday or 10 years after commission of the crime, whichever is later.

If the crime is not reported to law enforcement within one year from the date of the crime, the offense may not be prosecuted more than three years after the commission of the crime unless the victim was under the age of 14 at the time the crime was committed. In the event the victim was under the age of 14 at the time the crime was committed, the offense may not be prosecuted more

than three years after the victim's 18th birthday or more than seven years after the rape's commission, whichever is later.

Other Sex Offenses:

The following crimes may not be prosecuted more than three years after the victim's 18th birthday or more than seven years after their commission, whichever is later:

- rape of a child in the first and second degree;
- child molestation in the first and second degree;
- indecent liberties as it applies to any child that is mentally disabled or physically helpless; and
- incest in the first and second degree.

Summary of Bill:

Any sex offense committed against a minor may be prosecuted at any time after the commission of the crime.

Such offenses include the following felonies:

- rape in the first, second and third degree;
- rape of a child in the first, second and third degree;
- child molestation in the first, second and third degree;
- sexual misconduct with a minor in the first and second degree;
- indecent liberties;
- incest in the first and second degree;
- felony sexual exploitation of children;
- any felony committed with sexual motivation;
- any felony criminal attempts and conspiracies; and
- any federal or out-of-state crimes that would be a felony sex offense in Washington.

Such offenses also include:

- communication with minor for immoral purposes, both gross misdemeanor and felony offenses; and
- any gross misdemeanor criminal attempt, or criminal solicitation, or criminal conspiracy to commit a sex offense.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.