

---

HOUSE BILL 2698

---

State of Washington

59th Legislature

2006 Regular Session

By Representatives O'Brien, Pearson, Ericks, Rodne, Nixon, Kilmer, Green, Sells, McDonald, P. Sullivan, McCoy, Simpson, Moeller, Morrell, Lantz and Linville; by request of Attorney General

Read first time 01/12/2006. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to tolling the statute of limitations for felony  
2 sex offenses; and amending RCW 9A.04.080.

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

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

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

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

10 (i) Murder;

11 (ii) Homicide by abuse;

12 (iii) Arson if a death results;

13 (iv) Vehicular homicide;

14 (v) Vehicular assault if a death results;

15 (vi) Hit-and-run injury-accident if a death results (RCW  
16 46.52.020(4)).

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

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

4 (ii) Arson if no death results; or

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

19 (c) Violations of the following statutes shall not be prosecuted  
20 more than three years after the victim's eighteenth birthday or more  
21 than seven years after their commission, whichever is later: RCW  
22 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,  
23 9A.44.100(1)(b), or 9A.64.020.

24 (d) The following offenses shall not be prosecuted more than six  
25 years after their commission: Violations of RCW 9A.82.060 or  
26 9A.82.080.

27 (e) The following offenses shall not be prosecuted more than five  
28 years after their commission: Any class C felony under chapter 74.09,  
29 82.36, or 82.38 RCW.

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

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

35 (h) No other felony may be prosecuted more than three years after  
36 its commission; except that in a prosecution under RCW 9A.44.115, if  
37 the person who was viewed, photographed, or filmed did not realize at  
38 the time that he or she was being viewed, photographed, or filmed, the

1 prosecution must be commenced within two years of the time the person  
2 who was viewed or in the photograph or film first learns that he or she  
3 was viewed, photographed, or filmed.

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

6 (j) No misdemeanor may be prosecuted more than one year after its  
7 commission.

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

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

17 (4) In any prosecution for a sex offense as defined in RCW  
18 9.94A.030, the periods of limitation prescribed in subsection (1) of  
19 this section run from the later of the following dates:

20 (a) The date of commission of the offense; or

21 (b) One year from the date on which the identity of the suspect is  
22 conclusively established by DNA testing.

--- END ---