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HOUSE BILL 1320

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State of Washington

60th Legislature

2007 Regular Session

By Representatives Ahern, Haler, McCune, Dunn, Pearson, McDonald and Ormsby

Read first time 01/17/2007. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to the statute of limitations on certain sex  
2 offenses against minors; 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 2006 c 132 s 1 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 (vii) Rape in the first and second degree if the victim is under  
18 the age of eighteen at the time the crime is committed (RCW 9A.44.040  
19 and 9A.44.050);

1 (viii) Rape of a child in the first and second degree (RCW  
2 9A.44.073 and 9A.44.076).

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

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

8 (ii) Arson if no death results; or

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

25 (c) Violations of the following statutes shall not be prosecuted  
26 more than three years after the victim's eighteenth birthday or more  
27 than seven years after their commission, whichever is later: RCW  
28 (~~(9A.44.073, 9A.44.076,)~~) 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,  
29 9A.44.100(1)(b), or 9A.64.020.

30 (d) The following offenses shall not be prosecuted more than six  
31 years after their commission: Violations of RCW 9A.82.060 or  
32 9A.82.080.

33 (e) The following offenses shall not be prosecuted more than five  
34 years after their commission: Any class C felony under chapter 74.09,  
35 82.36, or 82.38 RCW.

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

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

4 (h) No other felony may be prosecuted more than three years after  
5 its commission; except that in a prosecution under RCW 9A.44.115, if  
6 the person who was viewed, photographed, or filmed did not realize at  
7 the time that he or she was being viewed, photographed, or filmed, the  
8 prosecution must be commenced within two years of the time the person  
9 who was viewed or in the photograph or film first learns that he or she  
10 was viewed, photographed, or filmed.

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

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

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

18 (3) In any prosecution for a sex offense as defined in RCW  
19 9.94A.030, the periods of limitation prescribed in subsection (1) of  
20 this section run from the date of commission or one year from the date  
21 on which the identity of the suspect is conclusively established by  
22 deoxyribonucleic acid testing, whichever is later.

23 (4) If, before the end of a period of limitation prescribed in  
24 subsection (1) of this section, an indictment has been found or a  
25 complaint or an information has been filed, and the indictment,  
26 complaint, or information is set aside, then the period of limitation  
27 is extended by a period equal to the length of time from the finding or  
28 filing to the setting aside.

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