
**Public Safety & Emergency Preparedness
Committee**

SB 5832

Brief Description: Allowing the prosecution of sex offenses against minor victims until the victim's twenty-eighth birthday if the offense is listed in RCW 9A.04.080(1) (b)(iii)(A) or (c).

Sponsors: Senators Kohl-Welles, Stevens and Marr; by request of Sentencing Guidelines Commission.

Brief Summary of Bill

- Extends the statute of limitations for certain sex offenses to the victim's 28th birthday.

Hearing Date: 3/18/09

Staff: Lara Zarowsky (786-7123)

Background:

Statutes of limitation are legislative declarations of the period within which actions may be brought on certain claims, or during which certain crimes may be prosecuted. Once a statute of limitations has expired, there is in place an absolute bar to prosecution. The period of limitation is suspended during any period in which the person charged is out of the state, or is subject to a complaint, information, or indictment related to the offense. Statues of limitations function to encourage prosecutions based upon reasonably fresh evidence to lessen the possibility of an erroneous conviction.

Statutes of limitation vary according to the crime. In general, simple misdemeanors must be prosecuted within one year, gross misdemeanors must be prosecuted within two years, and felony offenses must be prosecuted within three years of the commission of the crime. However, the limitation period may be varied by statute, and there is no limitation on the time within which

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a prosecution must commence for the crimes of murder, homicide by abuse, vehicular homicide, or for the crimes of vehicular assault, hit and run injury-accident or arson if death results.

Sex offenses carry different statutes of limitation depending on the offense and the age of the victim.

Violations of 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 degree;
- Rape of a child in the second degree;
- Child molestation in the first degree;
- Child molestation in the second degree;
- Indecent liberties where the victim is incapable of consent due to mental defect, incapacity or physical helplessness;
- Statutory rape in the first and second degrees (repealed in 1988) and;
- Incest.

In 2006 the Legislature extended the statute of limitations for any sex offense defined in RCW 9.94A.030 to run from the date the crime was committed, or one year from the date the identity of the suspect is conclusively established by deoxyribonucleic acid (DNA) testing, whichever is later.

Summary of Bill:

The statute of limitations is extended for certain sex offenses.

The following crimes may be prosecuted up to the victim's 28th birthday:

- Rape in the first and second degrees where the victim was under 14 years of age, if the rape was reported within one year of its commission;
- Rape of a child in the first, second, and third degrees;
- Child molestation in the first, second, and third degrees;
- Indecent liberties where the victim is incapable of consent due to mental defect, incapacity or physical helplessness; and
- Incest.

Appropriation: None.

Fiscal Note: Available.

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