

SENATE BILL REPORT

SB 5380

As of February 23, 2009

Title: An act relating to the statute of limitations for certain crimes.

Brief Description: Addressing the statute of limitations for certain crimes.

Sponsors: Senators McCaslin and Marr.

Brief History:

Committee Activity: Judiciary: 2/20/09.

SENATE COMMITTEE ON JUDICIARY

Staff: Lidia Mori (786-7755)

Background: Statutes of limitation provide fixed time periods during which actions may be brought on certain claims or various crimes may be prosecuted. Statutes of limitation force commencement of legal action on claims. The reasoning is that claims will be litigated while relevant evidence is still accessible and while necessary witnesses can still provide clear accountings of events.

The crimes of leading organized crime and use of proceeds of criminal profiteering may not be prosecuted more than six years after their commission.

Summary of Bill: A felony violation of the laws pertaining to crimes of money laundering and identity theft may not be prosecuted more than six years after their commission or their discovery, whichever occurs later, where such discovery was hampered by the defendant's ongoing activities or efforts to conceal the crime, or where it occurred through the use of fraud, deceit, or misrepresentation. The same statute of limitation applies to the crimes of theft in the first or second degree when accomplished by color or aid of deception.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff Summary of Public Testimony: PRO: This bill expands the statute of limitation. On page 2, line 26, the language requires that discovery be hampered by the ongoing efforts of the defendant to conceal the crime. Until a person goes to access his or her money, that person doesn't know it's not there. We tried to do a belt and suspenders to keep this bill tight. We are having some genuine problems with cases that should go forward.

CON: The net effect is that this bill will extend the statute of limitation for primarily property offenses. They are not victimless, but they are property offenses and the proviso that will trigger this extended statute of limitation will occur in practically every offense. We fear this will open the door to other extensions of the statute of limitation and that would not be a good thing. We all have a need for and want speedy disposition of cases. The process of getting a case to court starts with timely investigations, and this will not further the higher priority policy of keeping everyone's nose to the grindstone and moving things along.

Persons Testifying: PRO: Tom McBride, Washington Association of Prosecuting Attorneys.

CON: Robert Quillian, Washington Association of Criminal Defense Lawyers, Washington Defender Association.