

FINAL BILL REPORT

SB 5832

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Synopsis as Enacted

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.

Senate Committee on Judiciary
House Committee on Public Safety & Emergency Preparedness

Background: Statutes of limitation are legislative enactments that prescribe the periods within which actions may be brought on certain claims or during which certain crimes may be prosecuted. Once the statutes of limitation have expired, they become an absolute bar to prosecution. It is widely agreed that the foremost rationale for statutes of limitation is the desirability of requiring that prosecutions be based upon reasonably fresh evidence so as to lessen the possibility of an erroneous conviction.

Some states have no statutes of limitation on felony offenses, no statutes of limitation on sex offenses, including child sex offenses, and some states have extended statutes of limitation for sex offenses. Washington has different statutes of limitation for different sex offenses and they vary based on the age of the victim.

Rape in the first degree and second degree when the victim is under 14 years of age at the time of the rape and the rape is reported to a law enforcement agency within one year of its commission, may be prosecuted up to three years after the victim's eighteenth birthday or up to ten years after the rape's commission, whichever is later. Rape of a child in the first or second degree, child molestation in the first or second degree, statutory rape in the first or second degree, and indecent liberties when the person is incapable of consent due to mental incapacitation or physical helplessness may not be prosecuted more than three years after the victim's eighteenth birthday or more than seven years after commission of the offense, whichever is later. Statutory rape in the first and second degree were repealed in 1988.

In 2006 the Washington Legislature amended the law to include a DNA tolling provision. In any prosecution for a sex offense, defined in RCW 9.94A.030, the periods of time set out in

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statute pertaining to when an offense may be prosecuted run from the date of commission of the offense or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later.

Summary: Rape in the first degree and second degree when the victim is under 14 years of age at the time of the rape and the rape is reported to a law enforcement agency within one year of its commission may be prosecuted up to the victim's twenty-eighth birthday. Rape of a child in the first, second, and third degree, child molestation in the first, second, and third degree, and incest may be prosecuted up to the victim's twenty-eighth birthday.

Votes on Final Passage:

Senate	48	0
House	97	0

Effective: July 26, 2009