
SENATE BILL 5380

State of Washington

61st Legislature

2009 Regular Session

By Senators McCaslin and Marr

Read first time 01/21/09. Referred to Committee on Judiciary.

1 AN ACT Relating to the statute of limitations for certain crimes;
2 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 (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 or their discovery, whichever occurs
26 later, where such discovery was hampered by ongoing activities of the
27 defendant, or efforts to conceal the crime by the defendant, or where
28 the crime occurred through the use of fraud, deceit, or
29 misrepresentation:

30 (i) Violations of RCW 9A.82.060 or 9A.82.080;

31 (ii) Any felony violation of chapter 9A.83 RCW;

32 (iii) Any felony violation of chapter 9.35 RCW; or

33 (iv) Theft in the first or second degree under chapter 9A.56 RCW
34 when accomplished by color or aid of deception.

35 (e) The following offenses shall not be prosecuted more than five
36 years after their commission: Any class C felony under chapter 74.09,
37 82.36, or 82.38 RCW.

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

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

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

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

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

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

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

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

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