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SENATE BILL 6187

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State of Washington

61st Legislature

2009 Regular Session

By Senator McCaslin

1 AN ACT Relating to criminal statute of limitations; and reenacting  
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 2009 c 53 s 1 and 2009 c 61 s 1 are each  
5 reenacted and amended to read as follows:

6 ~~((1))~~ Prosecutions for criminal offenses ~~((shall not))~~ may be  
7 commenced at any time after ~~((the periods prescribed in this section))~~  
8 their commission.

9 ~~((a) The following offenses may be prosecuted at any time after~~  
10 ~~their commission:~~

11 ~~(i) Murder;~~

12 ~~(ii) Homicide by abuse;~~

13 ~~(iii) Arson if a death results;~~

14 ~~(iv) Vehicular homicide;~~

15 ~~(v) Vehicular assault if a death results;~~

16 ~~(vi) Hit and run injury accident if a death results (RCW~~  
17 ~~46.52.020(4)).~~

18 ~~(b) The following offenses shall not be prosecuted more than ten~~  
19 ~~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)(A) 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 the victim's twenty-eighth birthday.~~

11       ~~(B) If a violation of RCW 9A.44.040 or 9A.44.050 is not reported~~  
12 ~~within one year, the rape may not be prosecuted: (I) More than three~~  
13 ~~years after its commission if the violation was committed against a~~  
14 ~~victim fourteen years of age or older; or (II) more than three years~~  
15 ~~after the victim's eighteenth birthday or more than seven years after~~  
16 ~~the rape's commission, whichever is later, if the violation was~~  
17 ~~committed against a victim under fourteen years of age.~~

18       ~~(c) Violations of the following statutes may be prosecuted up to~~  
19 ~~the victim's twenty-eighth birthday: RCW 9A.44.073, 9A.44.076,~~  
20 ~~9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080, 9A.44.100(1)(b), 9A.44.079,~~  
21 ~~9A.44.089, or 9A.64.020.~~

22       ~~(d) The following offenses shall not be prosecuted more than six~~  
23 ~~years after their commission or their discovery, whichever occurs~~  
24 ~~later:~~

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

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

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

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

30       ~~(e) The following offenses shall not be prosecuted more than five~~  
31 ~~years after their commission: Any class C felony under chapter 74.09,~~  
32 ~~82.36, or 82.38 RCW.~~

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

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

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

8       ~~(i) No gross misdemeanor may be prosecuted more than two years~~  
9 ~~after its commission.~~

10       ~~(j) No misdemeanor may be prosecuted more than one year after its~~  
11 ~~commission.~~

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

15       ~~(3) In any prosecution for a sex offense as defined in RCW~~  
16 ~~9.94A.030, the periods of limitation prescribed in subsection (1) of~~  
17 ~~this section run from the date of commission or one year from the date~~  
18 ~~on which the identity of the suspect is conclusively established by~~  
19 ~~deoxyribonucleic acid testing, whichever is later.~~

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

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