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**SUBSTITUTE HOUSE BILL 2354**

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**State of Washington                      62nd Legislature                      2012 Regular Session**

**By** House Public Safety & Emergency Preparedness (originally sponsored by Representatives Orwall, Asay, Hurst, Upthegrove, Armstrong, Ladenburg, and Kenney)

READ FIRST TIME 01/31/12.

1            AN ACT Relating to adding trafficking in stolen property in the  
2 first and second degrees to the six-year statute of limitations  
3 provisions; and reenacting and amending RCW 9A.04.080.

4            BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 9A.04.080 and 2009 c 61 s 1 and 2009 c 53 s 1 are each  
6 reenacted and amended to read as follows:

7            (1) Prosecutions for criminal offenses shall not be commenced after  
8 the periods prescribed in this section.

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; (~~(e)~~)

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

30 (v) Trafficking in stolen property in the first or second degree  
31 under chapter 9A.82 RCW in which the stolen property is a motor vehicle  
32 or major component part of a motor vehicle as defined in RCW 46.80.010.

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

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

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

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

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

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

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

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

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

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