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## Public Safety Committee

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### HB 1352

**Brief Description:** Addressing the statute of limitations for sexual abuse against a child.

**Sponsors:** Representatives Holy, Hurst, Shea, Kristiansen, Parker, Warnick, Kochmar, Kretz, Manweller, Johnson, Rodne, Hayes, Schmick, Short, Klippert, Vick, Condotta, Overstreet and Bergquist.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Extends the statute of limitations for several criminal offenses related to sexual abuse against a minor.</li><li>• Extends the period for filing a civil action based on childhood sexual abuse.</li></ul>
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**Hearing Date:** 2/5/13

**Staff:** Sarah Koster (786-7303).

**Background:**

Criminal Period of Limitations.

Under current law, there are three tiers of statute of limitations for sex offenses.

1. Certain sex offenses may be prosecuted up to a victim's 28th birthday:
  - Rape of a Child in the first or second degrees (RCW 9A.44.073 and 9A.44.076);
  - Child Molestation in the first, second, or third degrees (RCW 9A.44.083, 9A.44.086, 9A.44.089);
  - Indecent Liberties when the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless (RCW 9A.44.100(1)(b)); or
  - Incest (RCW 9A.64.020).
  
2. Rape in the first or second degree has two different statute of limitations schemes depending on the age of the victim and whether the offense was reported within one year:

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- If it was reported within one year and the victim was under 14 years, it may be prosecuted up to the victim's 28th birthday;
- If it was reported within one year and the victim was 14 years or over, it may be prosecuted up to 10 years after the offense;
- If it was not reported within one year and the victim was under 14 years, it may be prosecuted up to seven years after the offense; or
- If it was not reported within one year and the victim was 14 years or over, it may be prosecuted up to three years after the offense.

3. For all other sex offenses, the period of limitations is three years.

Alternately, for any felony sex offense, the period of limitations will run from the date of offense or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later.

#### Civil Period of Limitations.

Any claim or cause of action based on intentional conduct brought for recovery of damages for injury suffered as a result of childhood sexual abuse may be brought within three years after the act, three years after the victim discovered that the injury was caused by such act, or within three years of when the victim discovered that the victim reasonably should have discovered the injury was caused by such act, whichever is later.

#### **Summary of Bill:**

#### Criminal Period of Limitations.

The following offenses may be prosecuted up to the victim's 30th birthday, if the victim was under 18 years old when the offense was committed:

- Rape in the first or second degree (RCW 9A.44.040 and 9A.40.050);
- Rape of a Child in the first or second degrees (RCW 9A.44.073 and 9A.44.076);
- Child Molestation in the first, second, or third degrees (RCW 9A.44.083, 9A.44.086, 9A.44.089);
- Indecent Liberties when the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless (RCW 9A.44.100(1)(b)); or
- Incest (RCW 9A.64.020).

If the victim was over 18 years old, Rape in the first or second degrees may be prosecuted up to 10 years after the act, if the offense was reported within one year, or up to three years after the act, if the offense was not reported within one year.

All other sex offenses may be prosecuted up to three years from the date of the act.

Alternately, any sex offense may be prosecuted up to one year from the date by which the identity of the suspect is established by DNA, if that is later then the period allowed by the statute of limitations for the offense.

#### Civil Period of Limitations.

A civil action based on intentional conduct brought for recovery of damages for injury suffered as a result of childhood sexual abuse may be brought within 10 years, or before the person's 30th birthday, whichever is later.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.