

# HOUSE BILL REPORT

## SSB 5100

---

### As Reported by House Committee On: Public Safety

**Title:** An act relating to the statute of limitations for sexual abuse against a child.

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

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Hargrove and Padden).

**Brief History:**

**Committee Activity:**

Public Safety: 3/20/13, 3/26/13 [DP].

<p><b>Brief Summary of Substitute Bill</b></p> <ul style="list-style-type: none"><li>• Extends the statute of limitations for certain sex offenses.</li></ul>
---



---

### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 9 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Holy, Pettigrew, Ross and Takko.

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

**Background:**

Criminal Period of Limitations.

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

Certain sex offenses may be prosecuted up to a victim's twenty-eighth 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);

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

- 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).

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, if:

- it was reported within one year and the victim was under 14 years, it may be prosecuted up to the victim's twenty-eighth birthday;
- 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;
- 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
- 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.

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

The period of limitations for any sex offense may run from the date of the offense or one year from the date by which the identity of the suspect is established by deoxyribonucleic acid (DNA).

---

## **Summary of Bill:**

### Criminal Period of Limitations.

The following offenses may be prosecuted up to the victim's thirtieth 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));
- Incest (RCW 9A.64.020); or
- Sexual Exploitation of a Minor (RCW 9.68A.040).

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;
- Indecent Liberties with lack of consent may be prosecuted up to 10 years after the act; or
- all other sex offenses may be prosecuted up to three years from the date of the act.

The period of limitations for any sex offense may run from the date of the offense or one year from the date by which the identity of the suspect is established by DNA or by photograph, whichever is later.

---

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

(In support) This bill reflects hard work to achieve a solution of which we can all be proud concerning childhood sexual abuse. The Washington Coalition of Sexual Assault Programs hopes to address both the civil and criminal sides of this issue and is working with other parties and the Senate prime sponsor to reach some agreed upon language. There is a balance between seeking the truth and justice and remaining substantially fair to both sides and that has been achieved in this bill. The best part of this bill is with regard to the provisions about Rape in the first or second degree. The current law imposes a three-year period of limitations on victims aged 14-18 years, if they did not report the rape within one year, while nonviolent rapes were not subject to that limit. That never made any sense and this is a change that has needed to happen for quite a while.

(Opposed) None.

**Persons Testifying:** Jenny Graham; Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs; and Tom McBride, Washington Association of Prosecuting Attorneys.

**Persons Signed In To Testify But Not Testifying:** None.