

SENATE BILL REPORT

SHB 1352

As Reported by Senate Committee On:
Law & Justice, March 27, 2013

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: House Committee on Public Safety (originally sponsored by Representatives Holy, Hurst, Shea, Kristiansen, Parker, Warnick, Kochmar, Kretz, Manweller, Johnson, Rodne, Hayes, Schmick, Short, Klippert, Vick, Condotta, Overstreet and Bergquist).

Brief History: Passed House: 3/12/13, 95-0.

Committee Activity: Law & Justice: 3/22/13, 3/27/13 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; Kline, Ranking Member; Darneille, Kohl-Welles, Pearson and Roach.

Staff: Aldo Melchiori (786-7439)

Background: The statute of limitations for rape in the first degree or rape in the second degree is ten years if the rape is reported to a law enforcement agency within one year of its commission; except that if the victim is under 14 years of age when the rape is committed and the rape is reported to a law enforcement agency within one year of its commission, the violation may be prosecuted up to the victim's 28th birthday. If a rape in the first degree or rape in the second degree is not reported within one year, the rape may not be prosecuted more than three years after its commission if the violation was committed against a victim 14 years of age or older; or more than three years after the victim's 18th birthday or more than seven years after the rape's commission, whichever is later, if the violation was committed against a victim under 14 years of age.

The statute of limitations for sexual exploitation of a minor is three years. Violations of the following statutes may be prosecuted up to the victim's 28th birthday: rape of a child in the first degree, rape of a child in the second degree, rape of a child in the third degree, child molestation in the first degree, child molestation in the second degree, child molestation in the third degree, indecent liberties with lack of consent, and incest.

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.

The periods of limitation do not run during any time when the person charged is not in the state. The periods of limitation for sex offenses run from the date of commission or one year from the date on which the identity of the suspect is conclusively established by deoxyribonucleic acid (DNA) testing, whichever is later.

Summary of Bill: 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 as:

- 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 ten 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.

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.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Our most precious resource is our children and they deserve more protection. Child victims can suffer severe Post Traumatic Stress Disorder which can prevent them from reporting the abuse. Siblings and other children notice when sex offenders get away with these crimes and these children are then discouraged from coming forward and reporting their abuse. Victims and their families appreciate the time and attention that legislators have given this issue. The bill includes most of the recommendation of the Sex Offender Policy Board. Changes in the civil statute of limitations for these case may be appropriate in the future.

Persons Testifying: PRO: Representative Holy, prime sponsor; Lonnie Johns-Brown, WA Coalition of Sexual Assault Programs; Jenny Graham, Gail Harsh, citizens.