

SENATE BILL REPORT

SB 5100

As of January 31, 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: Senators Hargrove and Padden.

Brief History:

Committee Activity: Law & Justice: 1/30/13.

SENATE COMMITTEE ON LAW & JUSTICE

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.

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 testing, whichever is later.

Summary of Bill: The bill as referred to committee not considered.

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.

Summary of Bill (Proposed Substitute): 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. 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. For indecent liberties with lack of consent, the statute of limitations is ten years.

Violations of the following statutes may be prosecuted up to the victim's 30th birthday, if the victim was under the age of 18 at the time of the offense: rape in the first degree, rape in the second degree, 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, incest, or sexual exploitation of a minor. If the victim is over the age of 18 at the time of the offense, the statute of limitations for these offenses is three years.

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 testing or by photograph, whichever is later.

Appropriation: None.

Fiscal Note: Not requested.

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: The goal is to catch and convict as many sex offenders as possible so that our communities are protected. In the process we are trying to be as sensitive to victim's needs as possible. Thirty-three states have extended the statutes of limitations for sex offenders who have victimized children. The victims deal with their injuries for a long time; it is only fair that the offenders will have to look over their shoulders for a long time as well. This will enhance closure for victims. Child victims will no longer have to report within a year of the offense before the longer statute of limitations is available. This strikes the proper balance between reporting crimes as soon as possible and dealing with the proof problems sometimes encountered later. Children should never have been required to report within one year. It is important that we keep in mind that we help victims. It takes a long time for some victims to come to terms with what happened to them. Children can be groomed and do not necessarily know at the time that what is being done to them is wrong.

OTHER: There should be no statute of limitations for sex offenses committed against children. These crimes damage some victims to such a great extent that they commit suicide. Some victims have repressed memories for a longer period of time. The victims bear the burden for life, so should the offenders. Sometimes it seems like the criminal justice system works against the child victims.

Persons Testifying: PRO: Senator Hargrove, prime sponsor; Lonnie Johns-Brown, WA Coalition of Sexual Assault Programs; Shelly, Gail Harsh, John Ahern, citizens; Tom McBride, WA Assn. of Prosecuting Attorneys.

OTHER: Jill Logie, Virginia Graham, citizens.