
Public Safety Committee

HB 2873

Brief Description: Making felony sex offenses a crime that may be prosecuted at any time after its commission.

Sponsors: Representatives Griffey, Orwall, McCabe, Smith, Wilson, Stambaugh, Pike, Kilduff, Hayes, Muri, Gregerson, Moscoso and Dent.

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| <p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Eliminates the statutes of limitations for certain felony sex offenses. |
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Hearing Date: 2/2/16

Staff: Kelly Leonard (786-7147).

Background:

A statute of limitations is a time limit for initiating prosecution after a crime is committed. Once a statute of limitations has expired, a prosecutor is barred from bringing charges against an alleged perpetrator.

Statutes of limitations vary according to the crime. Generally, simple misdemeanors must be prosecuted within one year, gross misdemeanors must be prosecuted within two years, and felony offenses must be prosecuted within three years of the commission of the crime. However, there are variances and exceptions.

For some felony sex offenses, the statute of limitations varies depending on the age of the victim at the time of the offense or when the offense was reported to law enforcement.

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.

| Offense | Statute of Limitations | |
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| | Victim is Under Age 18 | Victim is Over Age 18 |
| Rape in the first and second degrees | Victim's thirtieth birthday | 10 years (if reported within one year); or 3 years (if not reported within one year) |
| Rape of a Child in the first, second, and third degrees | | N/A |
| Child Molestation in the first, second, and third degrees | | N/A |
| Sexual Exploitation of a Minor | | N/A |
| Incest in the first and second degrees | | 3 Years |
| Indecent Liberties when the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless | | 10 years |

For all other felony sex offenses, the statute of limitations is three years. This includes, but is not limited to: Commercial Sexual Abuse of a Minor; Communication with a Minor for Immoral Purposes, Custodial Sexual Misconduct in the first degree; Indecent Liberties (other circumstances); Promoting Commercial Sexual Abuse of a Minor; Promoting Travel for Commercial Sexual Abuse of a Minor; Rape in the third degree; Sexual Misconduct with a Minor in the first degree; Sexually Violating Human Remains; and Voyeurism.

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.

Summary of Bill:

The statutes of limitations are eliminated for certain sex offenses, allowing a prosecutor to bring charges at any time after the commission of the offense. The statutes of limitations are eliminated for the following:

- Rape in the first, second, and third degrees;
- Rape of a child in the first, second, and third degrees;
- Child Molestation in the first, second, and third degrees;
- Sexual Exploitation of a Minor;
- Indecent Liberties;
- Commercial Sexual Abuse of a Minor;
- Communication with Minor for Immoral Purposes (felony);
- Custodial Sexual Misconduct in the first degree;
- Incest in the first and second degrees;
- Promoting Commercial Sexual Abuse of a Minor;

- Promoting Travel for Commercial Sexual Abuse of a Minor;
- Sexual Misconduct with a Minor in the first degree;
- Sexually Violating Human Remains; and
- Voyeurism.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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