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SUBSTITUTE HOUSE BILL 2873

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State of Washington

64th Legislature

2016 Regular Session

By House Public Safety (originally sponsored by Representatives Griffey, Orwall, McCabe, Smith, Wilson, Stambaugh, Pike, Kilduff, Hayes, Muri, Gregerson, Moscoso, and Dent)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to making felony sex offenses a crime that may be  
2 prosecuted at any time after its commission; and amending RCW  
3 9A.04.080.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9A.04.080 and 2013 c 17 s 1 are each amended to read  
6 as follows:

7 (1) Prosecutions for criminal offenses shall not be commenced  
8 after the periods prescribed in this section.

9 (a) The following offenses may be prosecuted at any time after  
10 their commission:

11 (i) Murder;

12 (ii) Homicide by abuse;

13 (iii) Arson if a death results;

14 (iv) Vehicular homicide;

15 (v) Vehicular assault if a death results;

16 (vi) Hit-and-run injury-accident if a death results (RCW  
17 46.52.020(4));

18 (vii) Rape in the first degree;

19 (viii) Rape in the second degree;

20 (ix) Rape of a child in the first degree;

21 (x) Rape of a child in the second degree;

- 1 (xi) Child molestation in the first degree;
- 2 (xii) Child molestation in the second degree;
- 3 (xiii) Custodial sexual misconduct in the first degree;
- 4 (xiv) Incest in the first degree;
- 5 (xv) Incest in the second degree;
- 6 (xvi) Sexual exploitation of a minor;
- 7 (xvii) Commercial sexual abuse of a minor;
- 8 (xviii) Promoting commercial sexual abuse of a minor.

9 (b) Except as provided in (c) of this subsection, the following  
10 offenses shall not be prosecuted more than ten years after their  
11 commission:

12 (i) Any felony committed by a public officer if the commission is  
13 in connection with the duties of his or her office or constitutes a  
14 breach of his or her public duty or a violation of the oath of  
15 office;

16 (ii) Arson if no death results; or

17 ~~(iii)((A) Violations of RCW 9A.44.040 or 9A.44.050 if the rape~~  
18 ~~is reported to a law enforcement agency within one year of its~~  
19 ~~commission.~~

20 ~~(B) If a violation of RCW 9A.44.040 or 9A.44.050 is not reported~~  
21 ~~within one year, the rape may not be prosecuted more than three years~~  
22 ~~after its commission; or~~

23 ~~(iv))~~ Indecent liberties under RCW 9A.44.100(1)(b).

24 (c) Violations of the following statutes, when committed against  
25 a victim under the age of eighteen, may be prosecuted up to the  
26 victim's thirtieth birthday: RCW ~~((9A.44.040 (rape in the first~~  
27 ~~degree), 9A.44.050 (rape in the second degree), 9A.44.073 (rape of a~~  
28 ~~child in the first degree), 9A.44.076 (rape of a child in the second~~  
29 ~~degree),)) 9A.44.079 (rape of a child in the third degree),  
30 ~~((9A.44.083 (child molestation in the first degree), 9A.44.086 (child~~  
31 ~~molestation in the second degree),)) 9A.44.089 (child molestation in  
32 the third degree), or 9A.44.100(1)(b) (indecent liberties)~~((~~  
33 ~~9A.64.020 (incest), or 9.68A.040 (sexual exploitation of a minor)))).~~~~~~

34 (d) The following offenses shall not be prosecuted more than six  
35 years after their commission or their discovery, whichever occurs  
36 later:

37 (i) Violations of RCW 9A.82.060 or 9A.82.080;

38 (ii) Any felony violation of chapter 9A.83 RCW;

39 (iii) Any felony violation of chapter 9.35 RCW;

1 (iv) Theft in the first or second degree under chapter 9A.56 RCW  
2 when accomplished by color or aid of deception; or

3 (v) Trafficking in stolen property in the first or second degree  
4 under chapter 9A.82 RCW in which the stolen property is a motor  
5 vehicle or major component part of a motor vehicle as defined in RCW  
6 46.80.010.

7 (e) The following offenses shall not be prosecuted more than five  
8 years after their commission: Any class C felony under chapter 74.09,  
9 82.36, or 82.38 RCW.

10 (f) Bigamy shall not be prosecuted more than three years after  
11 the time specified in RCW 9A.64.010.

12 (g) A violation of RCW 9A.56.030 must not be prosecuted more than  
13 three years after the discovery of the offense when the victim is a  
14 tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

15 (h) No other felony may be prosecuted more than three years after  
16 its commission; except that in a prosecution under RCW 9A.44.115, if  
17 the person who was viewed, photographed, or filmed did not realize at  
18 the time that he or she was being viewed, photographed, or filmed,  
19 the prosecution must be commenced within two years of the time the  
20 person who was viewed or in the photograph or film first learns that  
21 he or she was viewed, photographed, or filmed.

22 (i) No gross misdemeanor may be prosecuted more than two years  
23 after its commission.

24 (j) No misdemeanor may be prosecuted more than one year after its  
25 commission.

26 (2) The periods of limitation prescribed in subsection (1) of  
27 this section do not run during any time when the person charged is  
28 not usually and publicly resident within this state.

29 (3) In any prosecution for a sex offense as defined in RCW  
30 9.94A.030, the periods of limitation prescribed in subsection (1) of  
31 this section run from the date of commission or one year from the  
32 date on which the identity of the suspect is conclusively established  
33 by deoxyribonucleic acid testing or by photograph as defined in RCW  
34 9.68A.011, whichever is later.

35 (4) If, before the end of a period of limitation prescribed in  
36 subsection (1) of this section, an indictment has been found or a  
37 complaint or an information has been filed, and the indictment,  
38 complaint, or information is set aside, then the period of limitation

1 is extended by a period equal to the length of time from the finding  
2 or filing to the setting aside.

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