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## Public Safety Committee

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### HB 1231

**Brief Description:** Modifying the statute of limitations for certain felony sex offenses.

**Sponsors:** Representatives Griffey, Orwall, Irwin, Klippert, Kraft, MacEwen, Macri, Eslick, Calder, Walen, Chambers and Dent.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Eliminates the statute of limitations for Rape of a Child in the first degree and Child Molestation in the first degree.</li></ul>
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**Hearing Date:** 1/22/19

**Staff:** Omeara Harrington (786-7136).

**Background:**

Statutes of Limitations.

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, the statute of limitations for certain specified felony offenses has been extended to five years, six years, or 10 years, and there is no limit on the time within which a prosecution must commence for the crime of Murder and various other crimes that result in death.

Statute of Limitations for Certain Sex Offenses.

The general three-year statute of limitations has been extended for certain felony sex offenses, including, but not limited to, Rape of a Child and Child Molestation offenses.

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Rape of a Child offenses criminalize sexual intercourse with a child. Child Molestation offenses criminalize having, or knowingly causing a person under the age of 18 to have, sexual contact with a child. The degree of these offenses depends on the age of the victim at the time of the offense and the difference in age between the victim and the perpetrator. A person commits Rape of a Child in the first degree when the victim is less than 12 years old and at least 24 four months younger than the perpetrator. A person commits Child Molestation in the first degree when the victim is less than 12 years old and at least 36 months younger than the perpetrator. The statute of limitations for Rape of a Child and Child Molestation is the victim's thirtieth birthday.

For all felony sex offenses, the statute of limitations runs 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 or by photograph, whichever is later.

Applicability of Changes to Statutes of Limitations.

When the Legislature enacts an amendment increasing a criminal statute of limitations period, the new limitation period applies to all crimes not yet time barred on the effective date of the change. However, a legislative change to lengthen a statute of limitations does not affect cases in which the statute of limitations has already expired.

**Summary of Bill:**

The statute of limitations is eliminated for Rape of a Child in the first degree and Child Molestation in the first degree, allowing a prosecutor to bring charges at any time after the commission of the offense.

**Appropriation:** None.

**Fiscal Note:** Requested on January 18, 2019.

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