

RCW 9A.04.080 Limitation of actions. (1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

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

- (i) Murder;
- (ii) Homicide by abuse;
- (iii) Arson if a death results;
- (iv) Vehicular homicide;
- (v) Vehicular assault if a death results;
- (vi) Hit-and-run injury-accident if a death results (RCW 46.52.020(4));
- (vii) Rape in the first degree (RCW 9A.44.040) if the victim is under the age of sixteen;
- (viii) Rape in the second degree (RCW 9A.44.050) if the victim is under the age of sixteen;
- (ix) Rape of a child in the first degree (RCW 9A.44.073);
- (x) Rape of a child in the second degree (RCW 9A.44.076);
- (xi) Rape of a child in the third degree (RCW 9A.44.079);
- (xii) Sexual misconduct with a minor in the first degree (RCW 9A.44.093);
- (xiii) Custodial sexual misconduct in the first degree (RCW 9A.44.160);
- (xiv) Child molestation in the first degree (RCW 9A.44.083);
- (xv) Child molestation in the second degree (RCW 9A.44.086);
- (xvi) Child molestation in the third degree (RCW 9A.44.089); and
- (xvii) Sexual exploitation of a minor (RCW 9.68A.040).

(b) Except as provided in (a) of this subsection, the following offenses may not be prosecuted more than twenty years after its commission:

- (i) Rape in the first degree (RCW 9A.44.040);
- (ii) Rape in the second degree (RCW 9A.44.050); or
- (iii) Indecent liberties (RCW 9A.44.100).

(c) The following offenses may not be prosecuted more than ten years after its commission:

- (i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;
- (ii) Arson if no death results;
- (iii) Rape in the third degree (RCW 9A.44.060);
- (iv) Attempted murder; or
- (v) Trafficking under RCW 9A.40.100.

(d) A violation of any offense listed in this subsection (1)(d) may be prosecuted up to ten years after its commission or, if committed against a victim under the age of eighteen, up to the victim's thirtieth birthday, whichever is later:

- (i) RCW 9.68A.100 (commercial sexual abuse of a minor);
- (ii) RCW 9.68A.101 (promoting commercial sexual abuse of a minor);
- (iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse of a minor); or
- (iv) RCW 9A.64.020 (incest).

(e) The following offenses may not be prosecuted more than six years after its commission or discovery, whichever occurs later:

- (i) Violations of RCW 9A.82.060 or 9A.82.080;
- (ii) Any felony violation of chapter 9A.83 RCW;
- (iii) Any felony violation of chapter 9.35 RCW;

- (iv) Theft in the first or second degree under chapter 9A.56 RCW when accomplished by color or aid of deception;
 - (v) Theft from a vulnerable adult under RCW 9A.56.400;
 - (vi) Trafficking in stolen property in the first or second degree under chapter 9A.82 RCW in which the stolen property is a motor vehicle or major component part of a motor vehicle as defined in RCW 46.80.010; or
 - (vii) Violations of RCW 82.32.290 (2)(a)(iii) or (4).
- (f) The following offenses may not be prosecuted more than five years after its commission: Any class C felony under chapter 74.09, *82.36, or 82.38 RCW.
- (g) Bigamy may not be prosecuted more than three years after the time specified in RCW 9A.64.010.
- (h) A violation of RCW 9A.56.030 may not be prosecuted more than three years after the discovery of the offense when the victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).
- (i) No other felony may be prosecuted more than three years after its commission; except that in a prosecution under RCW 9A.44.115, if the person who was viewed, photographed, or filmed did not realize at the time that he or she was being viewed, photographed, or filmed, the prosecution must be commenced within two years of the time the person who was viewed or in the photograph or film first learns that he or she was viewed, photographed, or filmed.
- (j) No gross misdemeanor may be prosecuted more than two years after its commission.
- (k) No misdemeanor may be prosecuted more than one year after its commission.

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

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

(4) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside. [2022 c 282 § 4. Prior: 2019 c 93 § 2; 2019 c 87 § 2; prior: 2017 c 266 § 9; 2017 c 231 § 2; 2017 c 125 § 1; 2013 c 17 § 1; 2012 c 105 § 1; prior: 2009 c 61 § 1; 2009 c 53 § 1; 2006 c 132 § 1; 1998 c 221 § 2; prior: 1997 c 174 § 1; 1997 c 97 § 1; prior: 1995 c 287 § 5; 1995 c 17 § 1; 1993 c 214 § 1; 1989 c 317 § 3; 1988 c 145 § 14; prior: 1986 c 257 § 13; 1986 c 85 § 1; prior: 1985 c 455 § 19; 1985 c 186 § 1; 1984 c 270 § 18; 1982 c 129 § 1; 1981 c 203 § 1; 1975 1st ex.s. c 260 § 9A.04.080.]

***Reviser's note:** Chapter 82.36 RCW was repealed in its entirety by 2013 c 225 § 501.

Effective date—2019 c 93 §§ 1, 2, and 8: "Sections 1, 2, and 8 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its

existing public institutions, and take effect immediately [April 23, 2019]." [2019 c 93 § 11.]

Declaration—2019 c 87: "Social service agencies providing support to victims of sexual assault have long known that sexual assault crimes are among the most underreported of all types of crime. According to the department of justice, only two hundred thirty out of every one thousand sexual assaults are reported to police. In the wake of the recent #MeToo movement, this fact has become clear to the broader public.

The statute of limitations restricts a prosecutor's ability to hold perpetrators accountable when reports of crime are delayed. There are many different reasons why victims of sexual assault delay or even choose to never report the crime that has been committed against them. Advances in the field of neurobiology have demonstrated how sexual assault trauma and trauma responses may contribute to delayed victim reporting. Sometimes the victim is in a relationship with the perpetrator - an employer, parent, teacher, or some other person with supervisory power over the victim - causing the victim to believe that further harm will come to them if they report the crime. Further, technological and scientific advances in investigation, collection, documentation, and preservation of evidence have advanced law enforcement and prosecutorial abilities to investigate and prosecute these older cases. Realizing this, policymakers across the country have reevaluated and amended statutes of limitation to extend the allowable time to prosecute sexual assault crimes.

It is generally true that the longer a victim waits to report a crime, the more difficult it will be for the case to be successfully prosecuted. However, the statute of limitations should not prohibit prosecution for these heinous offenses when there is adequate evidence. Extending or eliminating the statute of limitations in these cases is imperative to provide access to justice for victims, hold perpetrators accountable, and enhance community protection." [2019 c 87 § 1.]

Finding—Intent—2017 c 266: See note following RCW 9A.42.020.

Finding—2017 c 231: "(1) Because of the serious nature of human trafficking related offenses, and the power, control, and exploitation exerted over victims, the legislature finds the statute of limitations on these offenses should be extended. Victims are often under the control of their trafficker for significant periods of time and may not be willing or able to report their perpetrator until they are free from their control.

(2) The legislature finds that statutes governing commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, and promoting prostitution should be consistent with all human trafficking related statutes, and reflect the practical reality of the crimes, which often involve an exchange of drugs or gifts for the commercial sex act." [2017 c 231 § 1.]

Effective date—2017 c 125: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 25, 2017]." [2017 c 125 § 2.]

Intent—1989 c 317: See note following RCW 4.16.340.

Effective date—Savings—Application—1988 c 145: See notes following RCW 9A.44.010.

Severability—1986 c 257: See note following RCW 9A.56.010.

Effective date—1985 c 455: See RCW 9A.82.902.

Effective date—1984 c 270: See RCW 9A.82.901.

Severability—1982 c 129: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 129 § 11.]