

Public Safety Committee

HB 1234

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

Sponsors: Representatives Griffey, Orwall, Klippert, Kraft, MacEwen, Stokesbary, Macri, Eslick, Caldier, Lovick, Walen, Chambers, Dent and Irwin.

Brief Summary of Bill

- Eliminates the statute of limitations for certain felony sex offenses.

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.

Statutes of Limitations for Sex Offenses.

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	
	Victim is Under Age 18	Victim is Over Age 18
Rape in the first and second degrees.	Victim's 30th birthday	10 years (if reported within 1 year); or 3 years (if not reported within 1 year)
Rape of a Child in the first, second, and third degrees.		N/A
Child Molestation in the first, second, and third degrees.		
Sexual Exploitation of a Minor		
Incest in the first and second degrees.		
Indecent Liberties when the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless.		10 years
Commercial Sexual Abuse of a Minor; Promoting Commercial Sexual Abuse of a Minor; Promoting Travel for Commercial Sexual Abuse of a Minor.	Later of Victim's 30th birthday or 10 years	N/A

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

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

- 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 Misconduct with a Minor in the first degree;
- Indecent Liberties;
- Sexually Violating Human Remains;

- Voyeurism in the first degree;
- Custodial Sexual Misconduct in the first degree;
- Incest in the first and second degrees;
- Sexual Exploitation of a Minor;
- Communication with a Minor for Immoral Purposes;
- Commercial Sexual Abuse of a Minor;
- Promoting Commercial Sexual Abuse of a Minor; and
- Promoting Travel for Commercial Sexual Abuse of a Minor.

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.