
SENATE BILL 5030

State of Washington

65th Legislature

2017 Regular Session

By Senators Darneille, Fain, Hasegawa, and Miloscia; by request of Attorney General

1 AN ACT Relating to human trafficking, prostitution, and
2 commercial sexual abuse of a minor; amending RCW 9A.04.080,
3 9.68A.100, 9.68A.101, and 9A.88.060; creating a new section; and
4 prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** (1) Because of the serious nature of human
7 trafficking related offenses, and the power, control, and
8 exploitation exerted over victims, the legislature finds the statute
9 of limitations on these offenses should be extended. Victims are
10 often under the control of their trafficker for significant periods
11 of time and may not be willing or able to report their perpetrator
12 until they are free from their control.

13 (2) The legislature finds that statutes governing commercial
14 sexual abuse of a minor, promoting commercial sexual abuse of a
15 minor, and promoting prostitution should be consistent with all human
16 trafficking related statutes, and reflect the practical reality of
17 the crimes, which often involve an exchange of drugs or gifts for the
18 commercial sex act.

19 **Sec. 2.** RCW 9A.04.080 and 2013 c 17 s 1 are each amended to read
20 as follows:

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

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

5 (i) Murder;

6 (ii) Homicide by abuse;

7 (iii) Arson if a death results;

8 (iv) Vehicular homicide;

9 (v) Vehicular assault if a death results;

10 (vi) Hit-and-run injury-accident if a death results (RCW
11 46.52.020(4)).

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

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

19 (ii) Arson if no death results;

20 (iii)(A) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is
21 reported to a law enforcement agency within one year of its
22 commission.

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

26 (iv) Indecent liberties under RCW 9A.44.100(1)(b); or

27 (v) Trafficking under RCW 9A.40.100.

28 (c) Violations of the following statutes, when committed against
29 a victim under the age of eighteen, may be prosecuted up to the
30 victim's thirtieth birthday: RCW 9A.44.040 (rape in the first
31 degree), 9A.44.050 (rape in the second degree), 9A.44.073 (rape of a
32 child in the first degree), 9A.44.076 (rape of a child in the second
33 degree), 9A.44.079 (rape of a child in the third degree), 9A.44.083
34 (child molestation in the first degree), 9A.44.086 (child molestation
35 in the second degree), 9A.44.089 (child molestation in the third
36 degree), 9A.44.100(1)(b) (indecent liberties), 9A.64.020 (incest),
37 (~~or~~) 9.68A.040 (sexual exploitation of a minor), RCW 9.68A.100
38 (commercial sexual abuse of a minor), and RCW 9.68A.101 (promoting
39 commercial sexual abuse of a minor).

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

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

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

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

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

9 (v) Trafficking in stolen property in the first or second degree
10 under chapter 9A.82 RCW in which the stolen property is a motor
11 vehicle or major component part of a motor vehicle as defined in RCW
12 46.80.010.

13 (e) The following offenses shall not be prosecuted more than five
14 years after their commission: Any class C felony under chapter 74.09,
15 82.36, or 82.38 RCW.

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

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

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

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

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

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

35 (3) In any prosecution for a sex offense as defined in RCW
36 9.94A.030, the periods of limitation prescribed in subsection (1) of
37 this section run from the date of commission or one year from the
38 date on which the identity of the suspect is conclusively established
39 by deoxyribonucleic acid testing or by photograph as defined in RCW
40 9.68A.011, whichever is later.

1 (4) If, before the end of a period of limitation prescribed in
2 subsection (1) of this section, an indictment has been found or a
3 complaint or an information has been filed, and the indictment,
4 complaint, or information is set aside, then the period of limitation
5 is extended by a period equal to the length of time from the finding
6 or filing to the setting aside.

7 **Sec. 3.** RCW 9.68A.100 and 2013 c 302 s 2 are each amended to
8 read as follows:

9 (1) A person is guilty of commercial sexual abuse of a minor if:

10 (a) He or she (~~pays a fee~~) provides anything of value to a
11 minor or a third person as compensation for a minor having engaged in
12 sexual conduct with him or her;

13 (b) He or she (~~pays or agrees to pay a fee~~) provides or agrees
14 to provide anything of value to a minor or a third person pursuant to
15 an understanding that in return therefore such minor will engage in
16 sexual conduct with him or her; or

17 (c) He or she solicits, offers, or requests to engage in sexual
18 conduct with a minor in return for (~~a fee~~) anything of value.

19 (2) Commercial sexual abuse of a minor is a class B felony
20 punishable under chapter 9A.20 RCW.

21 (3) In addition to any other penalty provided under chapter 9A.20
22 RCW, a person guilty of commercial sexual abuse of a minor is subject
23 to the provisions under RCW 9A.88.130 and 9A.88.140.

24 (4) Consent of a minor to the sexual conduct does not constitute
25 a defense to any offense listed in this section.

26 (5) For purposes of this section, "sexual conduct" means sexual
27 intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

28 **Sec. 4.** RCW 9.68A.101 and 2013 c 302 s 3 are each amended to
29 read as follows:

30 (1) A person is guilty of promoting commercial sexual abuse of a
31 minor if he or she knowingly advances commercial sexual abuse or a
32 sexually explicit act of a minor or profits from a minor engaged in
33 sexual conduct or a sexually explicit act.

34 (2) Promoting commercial sexual abuse of a minor is a class A
35 felony.

36 (3) For the purposes of this section:

37 (a) A person "advances commercial sexual abuse of a minor" if,
38 acting other than as a minor receiving compensation for personally

1 rendered sexual conduct or as a person engaged in commercial sexual
2 abuse of a minor, he or she causes or aids a person to commit or
3 engage in commercial sexual abuse of a minor, procures or solicits
4 customers for commercial sexual abuse of a minor, provides persons or
5 premises for the purposes of engaging in commercial sexual abuse of a
6 minor, operates or assists in the operation of a house or enterprise
7 for the purposes of engaging in commercial sexual abuse of a minor,
8 or engages in any other conduct designed to institute, aid, cause,
9 assist, or facilitate an act or enterprise of commercial sexual abuse
10 of a minor.

11 (b) A person "profits from commercial sexual abuse of a minor"
12 if, acting other than as a minor receiving compensation for
13 personally rendered sexual conduct, he or she accepts or receives
14 money or (~~other property~~) anything of value pursuant to an
15 agreement or understanding with any person whereby he or she
16 participates or will participate in the proceeds of commercial sexual
17 abuse of a minor.

18 (c) A person "advances a sexually explicit act of a minor" if he
19 or she causes or aids a sexually explicit act of a minor, procures or
20 solicits customers for a sexually explicit act of a minor, provides
21 persons or premises for the purposes of a sexually explicit act of a
22 minor, or engages in any other conduct designed to institute, aid,
23 cause, assist, or facilitate a sexually explicit act of a minor.

24 (d) A "sexually explicit act" is a public, private, or live
25 photographed, recorded, or videotaped act or show intended to arouse
26 or satisfy the sexual desires or appeal to the prurient interests of
27 patrons and for which (~~something~~) anything of value is given or
28 received.

29 (e) A "patron" is a person who (~~pays or agrees to pay a fee~~)
30 provides or agrees to provide anything of value to another person as
31 compensation for a sexually explicit act of a minor or who solicits
32 or requests a sexually explicit act of a minor in return for a fee.

33 (4) Consent of a minor to the sexually explicit act or sexual
34 conduct does not constitute a defense to any offense listed in this
35 section.

36 (5) For purposes of this section, "sexual conduct" means sexual
37 intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

38 **Sec. 5.** RCW 9A.88.060 and 2011 c 336 s 412 are each amended to
39 read as follows:

1 The following definitions are applicable in RCW 9A.88.070 through
2 9A.88.090:

3 (1) "Advances prostitution." A person "advances prostitution" if,
4 acting other than as a prostitute or as a customer thereof, he or she
5 causes or aids a person to commit or engage in prostitution, procures
6 or solicits customers for prostitution, provides persons or premises
7 for prostitution purposes, operates or assists in the operation of a
8 house of prostitution or a prostitution enterprise, or engages in any
9 other conduct designed to institute, aid, or facilitate an act or
10 enterprise of prostitution.

11 (2) "Profits from prostitution." A person "profits from
12 prostitution" if, acting other than as a prostitute receiving
13 compensation for personally rendered prostitution services, he or she
14 accepts or receives money or (~~other property~~) anything of value
15 pursuant to an agreement or understanding with any person whereby he
16 or she participates or is to participate in the proceeds of
17 prostitution activity.

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