
SENATE BILL 5030

AS AMENDED BY THE HOUSE

Passed Legislature - 2017 Regular Session

State of Washington 65th Legislature 2017 Regular Session

By Senators Darneille, Fain, Hasegawa, Miloscia, Carlyle, Frockt, Chase, Saldaña, Mullet, Pedersen, Conway, Keiser, and Kuderer; by request of Attorney General

Read first time 01/10/17. Referred to Committee on Law & Justice.

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), or
37 9.68A.040 (sexual exploitation of a minor).

38 (d) A violation of any offense listed in this subsection (1)(d)
39 may be prosecuted up to ten years after its commission or, if

1 committed against a victim under the age of eighteen, up to the
2 victim's thirtieth birthday, whichever is later:

3 (i) RCW 9.68A.100 (commercial sexual abuse of a minor);

4 (ii) RCW 9.68A.101 (promoting commercial sexual abuse of a
5 minor); or

6 (iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse
7 of a minor).

8 (e) The following offenses shall not be prosecuted more than six
9 years after their commission or their discovery, whichever occurs
10 later:

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

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

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

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

16 (v) Trafficking in stolen property in the first or second degree
17 under chapter 9A.82 RCW in which the stolen property is a motor
18 vehicle or major component part of a motor vehicle as defined in RCW
19 46.80.010.

20 ~~((e))~~ (f) The following offenses shall not be prosecuted more
21 than five years after their commission: Any class C felony under
22 chapter 74.09, 82.36, or 82.38 RCW.

23 ~~((f))~~ (g) Bigamy shall not be prosecuted more than three years
24 after the time specified in RCW 9A.64.010.

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

28 ~~((h))~~ (i) No other felony may be prosecuted more than three
29 years after its commission; except that in a prosecution under RCW
30 9A.44.115, if the person who was viewed, photographed, or filmed did
31 not realize at the time that he or she was being viewed,
32 photographed, or filmed, the prosecution must be commenced within two
33 years of the time the person who was viewed or in the photograph or
34 film first learns that he or she was viewed, photographed, or filmed.

35 ~~((i))~~ (j) No gross misdemeanor may be prosecuted more than two
36 years after its commission.

37 ~~((j))~~ (k) No misdemeanor may be prosecuted more than one year
38 after its commission.

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

4 (3) In any prosecution for a sex offense as defined in RCW
5 9.94A.030, the periods of limitation prescribed in subsection (1) of
6 this section run from the date of commission or one year from the
7 date on which the identity of the suspect is conclusively established
8 by deoxyribonucleic acid testing or by photograph as defined in RCW
9 9.68A.011, whichever is later.

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

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

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

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

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

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

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

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

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

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

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

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

5 (2) Promoting commercial sexual abuse of a minor is a class A
6 felony.

7 (3) For the purposes of this section:

8 (a) A person "advances commercial sexual abuse of a minor" if,
9 acting other than as a minor receiving compensation for personally
10 rendered sexual conduct or as a person engaged in commercial sexual
11 abuse of a minor, he or she causes or aids a person to commit or
12 engage in commercial sexual abuse of a minor, procures or solicits
13 customers for commercial sexual abuse of a minor, provides persons or
14 premises for the purposes of engaging in commercial sexual abuse of a
15 minor, operates or assists in the operation of a house or enterprise
16 for the purposes of engaging in commercial sexual abuse of a minor,
17 or engages in any other conduct designed to institute, aid, cause,
18 assist, or facilitate an act or enterprise of commercial sexual abuse
19 of a minor.

20 (b) A person "profits from commercial sexual abuse of a minor"
21 if, acting other than as a minor receiving compensation for
22 personally rendered sexual conduct, he or she accepts or receives
23 money or ~~((other property))~~ anything of value pursuant to an
24 agreement or understanding with any person whereby he or she
25 participates or will participate in the proceeds of commercial sexual
26 abuse of a minor.

27 (c) A person "advances a sexually explicit act of a minor" if he
28 or she causes or aids a sexually explicit act of a minor, procures or
29 solicits customers for a sexually explicit act of a minor, provides
30 persons or premises for the purposes of a sexually explicit act of a
31 minor, or engages in any other conduct designed to institute, aid,
32 cause, assist, or facilitate a sexually explicit act of a minor.

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

38 (e) A "patron" is a person who ~~((pays or agrees to pay a fee))~~
39 provides or agrees to provide anything of value to another person as

1 compensation for a sexually explicit act of a minor or who solicits
2 or requests a sexually explicit act of a minor in return for a fee.

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

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

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

10 The following definitions are applicable in RCW 9A.88.070 through
11 9A.88.090:

12 (1) "Advances prostitution." A person "advances prostitution" if,
13 acting other than as a prostitute or as a customer thereof, he or she
14 causes or aids a person to commit or engage in prostitution, procures
15 or solicits customers for prostitution, provides persons or premises
16 for prostitution purposes, operates or assists in the operation of a
17 house of prostitution or a prostitution enterprise, or engages in any
18 other conduct designed to institute, aid, or facilitate an act or
19 enterprise of prostitution.

20 (2) "Profits from prostitution." A person "profits from
21 prostitution" if, acting other than as a prostitute receiving
22 compensation for personally rendered prostitution services, he or she
23 accepts or receives money or (~~other property~~) anything of value
24 pursuant to an agreement or understanding with any person whereby he
25 or she participates or is to participate in the proceeds of
26 prostitution activity.

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