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SENATE BILL 6138

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State of Washington

65th Legislature

2018 Regular Session

By Senator Brown

Read first time 01/09/18. Referred to Committee on Law & Justice.

1 AN ACT Relating to extending the statute of limitations for food  
2 stamp fraud; and reenacting and amending RCW 9A.04.080.

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

4 **Sec. 1.** RCW 9A.04.080 and 2017 c 266 s 9, 2017 c 321 s 2, and  
5 2017 c 125 s 1 are each reenacted and amended to read as follows:

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

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

10 (i) Murder;

11 (ii) Homicide by abuse;

12 (iii) Arson if a death results;

13 (iv) Vehicular homicide;

14 (v) Vehicular assault if a death results;

15 (vi) Hit-and-run injury-accident if a death results (RCW  
16 46.52.020(4)).

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

20 (i) Any felony committed by a public officer if the commission is  
21 in connection with the duties of his or her office or constitutes a

1 breach of his or her public duty or a violation of the oath of  
2 office;

3 (ii) Arson if no death results;

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

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

10 (iv) Indecent liberties under RCW 9A.44.100(1)(b); (~~(e)~~)

11 (v) Attempted murder; or

12 (vi) Trafficking under RCW 9A.40.100.

13 (c) Violations of the following statutes, when committed against  
14 a victim under the age of eighteen, may be prosecuted up to the  
15 victim's thirtieth birthday: RCW 9A.44.040 (rape in the first  
16 degree), 9A.44.050 (rape in the second degree), 9A.44.073 (rape of a  
17 child in the first degree), 9A.44.076 (rape of a child in the second  
18 degree), 9A.44.079 (rape of a child in the third degree), 9A.44.083  
19 (child molestation in the first degree), 9A.44.086 (child molestation  
20 in the second degree), 9A.44.089 (child molestation in the third  
21 degree), 9A.44.100(1)(b) (indecent liberties), 9A.64.020 (incest), or  
22 9.68A.040 (sexual exploitation of a minor).

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

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

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

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

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

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

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

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

38 (iv) Theft in the first or second degree under chapter 9A.56 RCW  
39 or RCW 74.08.331, when accomplished by color or aid of deception;

40 (v) Theft from a vulnerable adult under RCW 9A.56.400; or

1 (vi) Trafficking in stolen property in the first or second degree  
2 under chapter 9A.82 RCW in which the stolen property is a motor  
3 vehicle or major component part of a motor vehicle as defined in RCW  
4 46.80.010.

5 (f) The following offenses shall not be prosecuted more than five  
6 years after their commission: Any class C felony under chapter 74.09,  
7 82.36, or 82.38 RCW.

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

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

13 (i) No other felony may be prosecuted more than three years after  
14 its commission; except that in a prosecution under RCW 9A.44.115, if  
15 the person who was viewed, photographed, or filmed did not realize at  
16 the time that he or she was being viewed, photographed, or filmed,  
17 the prosecution must be commenced within two years of the time the  
18 person who was viewed or in the photograph or film first learns that  
19 he or she was viewed, photographed, or filmed.

20 (j) No gross misdemeanor may be prosecuted more than two years  
21 after its commission.

22 (k) No misdemeanor may be prosecuted more than one year after its  
23 commission.

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

27 (3) In any prosecution for a sex offense as defined in RCW  
28 9.94A.030, the periods of limitation prescribed in subsection (1) of  
29 this section run from the date of commission or one year from the  
30 date on which the identity of the suspect is conclusively established  
31 by deoxyribonucleic acid testing or by photograph as defined in RCW  
32 9.68A.011, whichever is later.

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

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