Washington State Senate

RECEIVED
NOV 28 2011
OFM DIRECTOR'S OFFICE

November 28, 2011

Marty Brown, Director
Office of Financial Management
P.O. Box 43113
Olympia, WA 98504-3113

Dear Mr. Brown,

SB 6362, introduced in 2008, mandated that the Sentencing Guidelines Commission (SGC) review Washington's policy on sex offense statute of limitations. The SGC worked throughout the year to examine other states' policies, take public testimony, and discuss the complex balance of civil liberties, victims' needs and successful prosecution.

At the time of the review, sex offense statute of limitation varied by offense and the law allowed for tolling of statute of limitations in cases where DNA evidence had been collected. The final recommendation of the SGC was to extend the statute of limitations in each category by eight years. In making this recommendation, the Commission considered the extant tolling provisions, victims' ability to bring civil suit, the nature and consequences of sex crimes against children, and the difficulty of bringing a criminal case to trial long after the crime takes place.

In 2009, Senators Kohl-Wells, Stevens and Marr introduced SB 5832, which extended the statute of limitations to the victim's twenty-eighth birthday in cases of rape of child, child molestation, indecent liberties, incest, and specified instances of rape in the first and second degree. SB 5832 passed the legislature with a unanimous vote in both chambers and was signed into the law on April 10, 2009.

In response to HB 1637 (2011) and its predecessors, various stakeholders provided information that statute of limitation influences the perpetration of subsequent crimes against additional victims. In addition, certain advocates provided information that any inability to prosecute an offense after substantial delay may re-traumatize the victim.

The Washington State Sex Offender Policy Board (SOPB) was created concurrent to the SCG review to focus specifically on issues related to sex offense. In order to further protect victims of child sex abuse and maximize the deterrent effects of successful prosecution, I am requesting that the SOPB be convened under the provisions of ESSB 5891 (2011), and "undertake projects to assist policymakers in making informed judgments about issues relating to sex offender policy" by reviewing Washington's policy on sex offense statute of limitations in the context of best practice and effectiveness.

Specifically, the SOPB is asked to:

- Explore what amendments, if any, could be made to current policy regarding sex offense statute of limitations (9A.04.080 RCW) to appreciably improve the likelihood of successful prosecution of sex crimes against children. For example, would lengthening or eliminating the statute of limitations for sex crimes against children significantly increase the incidence of successful prosecution in cases of child sex abuse?
- Review best practices, if any, that facilitate successful prosecution of child sex abuse cases when allegations are made after the victim reaches the age of majority.
- Review available literature and practices in other states regarding the role of successful prosecution and/or speedy prosecution in the deterrence of future offenses.
- Examine the states' various statute of limitations in child sex offense cases as they relate to successful civil action by victims.

While we would like a report in time to make changes, if any are recommended, this session we are more concerned with a thoughtful and thorough review that ensures that any new policy will provide more protection to all our citizens.

Thank you for your attention to this matter.

Sincerely,

James Hargrove, Chair
Senate Human Services & Corrections

Val Stevens, Ranking Member
Senate Human Services & Corrections