

History of Statute of Limitations for Sex Offenses

Statute of limitations is a time limit in which a lawsuit may be claimed. Once the statute of limitations has expired, a claim can no longer occur. Statute of limitations for sex offenses includes criminal and civil limitations. Washington State has both criminal and civil statutes of limitations for sex offenses.

These statutes have been periodically modified since the 1980s. The table on the following pages shows proposed and passed legislation to modify criminal and civil statutes of limitations that pertain to sex offenses since 1991¹.

In 2008, Senate Bill 6362 proposed that the Sentencing Guidelines Commission (SGC) review both the criminal and civil statute of limitations for sex offenses and report any recommendations. That bill did not pass but the sponsors requested the SGC still conduct the review. The result of the SGC's review was Senate Bill 5832, which extended the criminal statute of limitations to the victim's twenty-eighth birthday for specific sex offenses. This bill passed and was signed into law in 2009.

In 2011, the Sex Offender Policy Board (SOPB) was requested to review Washington's sex offense statute of limitations in the context of best practice and effectiveness. This request was in response to House Bill 1657 (2011) and to information provided by various stakeholders regarding the influence of the statute of limitations has on subsequent crimes against additional victims.

¹ The electronic collection of legislative bills on the Legislature's website only goes back to 1991. www.leg.wa.gov.

**Criminal and Civil Statutes of Limitations
Bills Proposed to and/or Passed the Legislature
1991 to 2011**

Bill	Session	Passed	Bill Description
HB 1657	2011	No	Removes the criminal statute of limitation for: <ul style="list-style-type: none"> · Rape 1 and Rape 2 when the victim is under 18 at the time of the crime · Rape of a Child 1 and Rape of a Child 2
HB 2960	2008	No	Removes the criminal statute of limitation for: <ul style="list-style-type: none"> · Rape 1 and Rape 2 when the victim is under 18 at the time of the crime · Rape of a Child 1 and Rape of a Child 2 · Indecent Liberties with Forcible Compulsion when the victim is under 18 at the time of the crime
HB 1320	2007	No	Removes the criminal statute of limitation for: <ul style="list-style-type: none"> · Rape 1 and Rape 2 when the victim is under 18 at the time of the crime · Rape of a Child 1 and Rape of a Child 2
HB 2131	2007	No	Removes the criminal statute of limitation for any sex offense committed against a child under the age of 18
SB 5817	2007	No	Removes the criminal statute of limitation for any sex offense committed against a child under the age of 18
HB 2408	2006	No	Changes the start of criminal statute of limitations for sex offenses as defined by RCW 9.94A.030 to be either: <ul style="list-style-type: none"> · The date of the offense; or · 1 year from the date the identity of the offender is established by DNA testing, whichever is later
HB 2968	2006	No	Changes the start of criminal statute of limitations for sex offenses as defined by RCW 9.94A.030 to be either: <ul style="list-style-type: none"> · The date of the offense; or · 1 year from the date the identity of the offender is established by DNA testing, whichever is later
SB 6408	2006	No	Changes the start of criminal statute of limitations for sex offenses as defined by RCW 9.94A.030 to be either: <ul style="list-style-type: none"> · The date of the offense; or · 1 year from the date the identity of the offender is established by DNA testing, whichever is later
SB 6881	2006	No	Removes the civil statute of limitation for a sex offense as defined by chapter 9A.44 RCW
SSB 5042	2006	Yes	Changes the start of criminal statute of limitations for sex offenses as defined by RCW 9.94A.030 to be either: <ul style="list-style-type: none"> · The date of the offense; or · 1 year from the date the identity of the offender is established by DNA testing, whichever is later

Bill	Session	Passed	Bill Description
SHB 1453	2005	No	Removes the criminal statute of limitation for: <ul style="list-style-type: none"> • Rape 1 and Rape 2 when the victim is under 18 at the time of the crime • Rape of a Child 1 and Rape of a Child 2
HB 2395	2004	No	Changes the civil statute of limitations for childhood sexual abuse to within 10 years of the offense date (from within 3 years)
HB 1089	2003	No	Removes the criminal statute of limitations for any sex offense defined in 9A.44.130(9)(a) ²
SB 5842	2003	No	Changes the civil statute of limitations for childhood sexual abuse to any time before the child reaches the age of 30 years
SHB 1040	2003	No	Changes the civil statute of limitations for childhood sexual abuse to within 10 years across the board (from within 3 years)
SB 6134	2000	No	Removes the criminal statute of limitations for offenses under chapter 9A.44 (sex offenses) or 9.68A (sexual exploitation of children) RCW or RCW 9A.64.020 (incest)
SB 5463	1997	No	Created a new civil statute of limitations of 5 years across the board for developmentally disabled persons injured by sexual abuse.
SB 6228	1996	No	Created a new civil statute of limitations of 3 years across the board for developmentally disabled persons injured by sexual abuse.
SB 5006	1993	No	Changes the criminal statute of limitations for certain sex offenses ³ to 7 years after the victim's 18 th birthday (from 3)
SB 5541	1993	Yes	Changes the criminal statute of limitations for Rape 1 and Rape 2 offenses to: <ul style="list-style-type: none"> • 10 years if reported within 1 year of offense; • 3 years after the victim's 18th birthday if the victim was under 14 years at offense and if reported within 1 year of offense; or • 10 years after the offense if the victim was under 14 years at offense and if reported within 1 year; • 3 years after the offense if the victim was 14 years or older at offense and not reported within 1 year; or • 3 years after the victim's 18th birthday if the victim was under 14 years and not reported within 1 year; or • 7 years after the offense if the victim was under 14 years and not reported within 1 year, or whichever is later

² Includes any offense defined by RCW 9.94A.030; sexual misconduct with a minor 2 (RCW 9A.44.096); communication with a minor for immoral purposes (RCW 9.68A.090); any similar federal or out of state offense; any gross misdemeanor that is, under chapter 9a.48 RCW, an anticipatory of any of the above offenses.

³ Includes rape of a child 1 (RCW 9A.44.073), rape of a child 2 (RCW 9A.44.076), child molestation 1 (RCW 9A.44.083), child molestation 2 (RCW 9A.44.086), statutory rape 1 (RCW 9A.44.070), statutory rape 2 (RCW 9A.44.080) and indecent liberties – disabled person (RCW 9A.44.100(1)(b)).

Bill	Session	Passed	Bill Description
HB 2530	1992	No	<p>Changed the current criminal statute of limitations to be 10 years after the offense (from 7).</p> <p>Adds language for another time period: more than 3 years after discovery of the offender's violation of any of the following statutes, whichever is latest:</p>
ESHB 2058	1991	Yes	<p>Changes the current civil statute of limitations to be within 3 years of the offense or of the time the victim discovered the injury was caused by said act.</p> <p>Adds language for another time period: within 3 years of the time the victim discovered that the act caused the injury for which the claim is brought.</p> <p>Adds language denoting claims shall be commenced within the later of the three time periods.</p>