
HOUSE BILL 1150

State of Washington

68th Legislature

2023 Regular Session

By Representatives Mosbrucker and Rule

Prefiled 01/05/23.

1 AN ACT Relating to creating the offense of unlawful branding of
2 another person; amending RCW 9.94A.515 and 9A.04.080; adding a new
3 section to chapter 9A.40 RCW; creating a new section; and prescribing
4 penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that crimes and
7 threats against persons because of their race, color, religion,
8 ancestry, national origin, gender, sexual orientation, gender
9 expression or identity, mental, physical, or sensory disabilities, or
10 vulnerability to trafficking and commercial sexual exploitation are
11 serious and have a lifetime impact on the targeted victims. The
12 legislature further finds that the causes of commercial sexual
13 exploitation are rooted in the attitudes, beliefs, and behaviors that
14 contribute to the demand for and growth of this criminal industry.
15 The legislature recognizes that traffickers around the world
16 frequently prey on individuals who are poor, vulnerable, living in an
17 unsafe or unstable situation, or are in search of a better life.
18 Trafficking victims are deceived by false promises of love, wealth,
19 or a stable life and are lured or forced into situations where they
20 are made to engage in sexual exploitation or other work under
21 deplorable conditions with little or no pay. The legislature finds

1 that the state has a compelling interest in preventing crimes and
2 threats motivated by an intent to exert power and control over others
3 in furtherance of human trafficking and commercial sexual
4 exploitation and such interest includes preventing the forcing of
5 victims to have their body marked for the purpose of identifying and
6 tracking the person for ownership as part of a plan or scheme to
7 engage in human trafficking or sexual exploitation. This practice
8 causes a harm to victims that is most appropriately punished as
9 branding instead of assault. The seriousness level assigned to the
10 crime of "branding" herein also takes into account the likelihood
11 that many acts that would constitute that crime would otherwise be
12 used to support aggravating circumstances listed in RCW 9.94A.537.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.40
14 RCW to read as follows:

15 (1) A person is guilty of unlawful branding of another person if
16 he or she knowingly:

17 (a) Marks another person's body with a subdermal implant, tattoo,
18 or body art, with the knowledge that the mark is intended to be used
19 to track the person or mark the person for ownership as part of a
20 plan or scheme to engage in trafficking of the person under RCW
21 9A.40.100 or promoting prostitution of the person under RCW 9A.88.070
22 or 9A.88.080; or

23 (b) Uses force, fraud, or coercion to cause a person to have his
24 or her body marked with a subdermal implant, tattoo, or body art, for
25 the purpose of tracking the person or marking the person for
26 ownership as part of a plan or scheme to engage in trafficking of the
27 person under RCW 9A.40.100 or promoting prostitution of the person
28 under RCW 9A.88.070 or 9A.88.080.

29 (2) Unlawful branding of another person is a class B felony.

30 (3) For the purposes of this section:

31 (a) "Body art" has the same meaning as provided in RCW
32 18.300.010.

33 (b) "Coercion" has the same meaning as provided in RCW 9A.36.070.

34 (c) "Tattoo" means an indelible mark made by tattooing, as
35 defined in RCW 18.300.010.

36 **Sec. 3.** RCW 9.94A.515 and 2022 c 231 s 13 are each amended to
37 read as follows:

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TABLE 2	
CRIMES INCLUDED WITHIN EACH	
SERIOUSNESS LEVEL	
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(3))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
X	Child Molestation 1 (RCW 9A.44.083)

1 Criminal Mistreatment 1 (RCW
2 9A.42.020)
3 Indecent Liberties (with forcible
4 compulsion) (RCW
5 9A.44.100(1)(a))
6 Kidnapping 1 (RCW 9A.40.020)
7 Leading Organized Crime (RCW
8 9A.82.060(1)(a))
9 Malicious explosion 3 (RCW
10 70.74.280(3))
11 Sexually Violent Predator Escape (RCW
12 9A.76.115)
13 IX Abandonment of Dependent Person 1
14 (RCW 9A.42.060)
15 Assault of a Child 2 (RCW 9A.36.130)
16 Explosive devices prohibited (RCW
17 70.74.180)
18 Hit and Run—Death (RCW
19 46.52.020(4)(a))
20 Homicide by Watercraft, by being under
21 the influence of intoxicating liquor
22 or any drug (RCW 79A.60.050)
23 Inciting Criminal Profiteering (RCW
24 9A.82.060(1)(b))
25 Malicious placement of an explosive 2
26 (RCW 70.74.270(2))
27 Robbery 1 (RCW 9A.56.200)
28 Sexual Exploitation (RCW 9.68A.040)
29 VIII Arson 1 (RCW 9A.48.020)
30 Commercial Sexual Abuse of a Minor
31 (RCW 9.68A.100)
32 Homicide by Watercraft, by the
33 operation of any vessel in a reckless
34 manner (RCW 79A.60.050)
35 Manslaughter 2 (RCW 9A.32.070)

1 Promoting Prostitution 1 (RCW
2 9A.88.070)
3 Theft of Ammonia (RCW 69.55.010)
4 VII Air bag diagnostic systems (causing
5 bodily injury or death) (RCW
6 46.37.660(2)(b))
7 Air bag replacement requirements
8 (causing bodily injury or death)
9 (RCW 46.37.660(1)(b))
10 Burglary 1 (RCW 9A.52.020)
11 Child Molestation 2 (RCW 9A.44.086)
12 Civil Disorder Training (RCW
13 9A.48.120)
14 Dealing in depictions of minor engaged
15 in sexually explicit conduct 1
16 (RCW 9.68A.050(1))
17 Drive-by Shooting (RCW 9A.36.045)
18 False Reporting 1 (RCW
19 9A.84.040(2)(a))
20 Homicide by Watercraft, by disregard
21 for the safety of others (RCW
22 79A.60.050)
23 Indecent Liberties (without forcible
24 compulsion) (RCW 9A.44.100(1)
25 (b) and (c))
26 Introducing Contraband 1 (RCW
27 9A.76.140)
28 Malicious placement of an explosive 3
29 (RCW 70.74.270(3))
30 Manufacture or import counterfeit,
31 nonfunctional, damaged, or
32 previously deployed air bag
33 (causing bodily injury or death)
34 (RCW 46.37.650(1)(b))

1 Negligently Causing Death By Use of a
2 Signal Preemption Device (RCW
3 46.37.675)
4 Sell, install, or reinstall counterfeit,
5 nonfunctional, damaged, or
6 previously deployed airbag (RCW
7 46.37.650(2)(b))
8 Sending, bringing into state depictions
9 of minor engaged in sexually
10 explicit conduct 1 (RCW
11 9.68A.060(1))
12 Unlawful Possession of a Firearm in the
13 first degree (RCW 9.41.040(1))
14 Use of a Machine Gun or Bump-fire
15 Stock in Commission of a Felony
16 (RCW 9.41.225)
17 Vehicular Homicide, by disregard for
18 the safety of others (RCW
19 46.61.520)
20 VI Bail Jumping with Murder 1 (RCW
21 9A.76.170(3)(a))
22 Bribery (RCW 9A.68.010)
23 Incest 1 (RCW 9A.64.020(1))
24 Intimidating a Judge (RCW 9A.72.160)
25 Intimidating a Juror/Witness (RCW
26 9A.72.110, 9A.72.130)
27 Malicious placement of an imitation
28 device 2 (RCW 70.74.272(1)(b))
29 Possession of Depictions of a Minor
30 Engaged in Sexually Explicit
31 Conduct 1 (RCW 9.68A.070(1))
32 Rape of a Child 3 (RCW 9A.44.079)
33 Theft of a Firearm (RCW 9A.56.300)
34 Theft from a Vulnerable Adult 1 (RCW
35 9A.56.400(1))

1 Unlawful Storage of Ammonia (RCW
2 69.55.020)

3 V Abandonment of Dependent Person 2
4 (RCW 9A.42.070)

5 Advancing money or property for
6 extortionate extension of credit
7 (RCW 9A.82.030)

8 Air bag diagnostic systems (RCW
9 46.37.660(2)(c))

10 Air bag replacement requirements
11 (RCW 46.37.660(1)(c))

12 Bail Jumping with class A Felony
13 (RCW 9A.76.170(3)(b))

14 Child Molestation 3 (RCW 9A.44.089)

15 Criminal Mistreatment 2 (RCW
16 9A.42.030)

17 Custodial Sexual Misconduct 1 (RCW
18 9A.44.160)

19 Dealing in Depictions of Minor
20 Engaged in Sexually Explicit
21 Conduct 2 (RCW 9.68A.050(2))

22 Domestic Violence Court Order
23 Violation (RCW 7.105.450,
24 10.99.040, 10.99.050, 26.09.300,
25 26.10.220, 26.26B.050, 26.50.110,
26 26.52.070, or 74.34.145)

27 Extortion 1 (RCW 9A.56.120)

28 Extortionate Extension of Credit (RCW
29 9A.82.020)

30 Extortionate Means to Collect
31 Extensions of Credit (RCW
32 9A.82.040)

33 Incest 2 (RCW 9A.64.020(2))

34 Kidnapping 2 (RCW 9A.40.030)

1 Manufacture or import counterfeit,
2 nonfunctional, damaged, or
3 previously deployed air bag (RCW
4 46.37.650(1)(c))
5 Perjury 1 (RCW 9A.72.020)
6 Persistent prison misbehavior (RCW
7 9.94.070)
8 Possession of a Stolen Firearm (RCW
9 9A.56.310)
10 Rape 3 (RCW 9A.44.060)
11 Rendering Criminal Assistance 1 (RCW
12 9A.76.070)
13 Sell, install, or reinstall counterfeit,
14 nonfunctional, damaged, or
15 previously deployed airbag (RCW
16 46.37.650(2)(c))
17 Sending, Bringing into State Depictions
18 of Minor Engaged in Sexually
19 Explicit Conduct 2 (RCW
20 9.68A.060(2))
21 Sexual Misconduct with a Minor 1
22 (RCW 9A.44.093)
23 Sexually Violating Human Remains
24 (RCW 9A.44.105)
25 Stalking (RCW 9A.46.110)
26 Taking Motor Vehicle Without
27 Permission 1 (RCW 9A.56.070)
28 Unlawful Branding of Another Person
29 (section 2 of this act)
30 IV Arson 2 (RCW 9A.48.030)
31 Assault 2 (RCW 9A.36.021)
32 Assault 3 (of a Peace Officer with a
33 Projectile Stun Gun) (RCW
34 9A.36.031(1)(h))
35 Assault 4 (third domestic violence
36 offense) (RCW 9A.36.041(3))

1 Assault by Watercraft (RCW
2 79A.60.060)
3 Bribing a Witness/Bribe Received by
4 Witness (RCW 9A.72.090,
5 9A.72.100)
6 Cheating 1 (RCW 9.46.1961)
7 Commercial Bribery (RCW 9A.68.060)
8 Counterfeiting (RCW 9.16.035(4))
9 Driving While Under the Influence
10 (RCW 46.61.502(6))
11 Endangerment with a Controlled
12 Substance (RCW 9A.42.100)
13 Escape 1 (RCW 9A.76.110)
14 Hate Crime (RCW 9A.36.080)
15 Hit and Run—Injury (RCW
16 46.52.020(4)(b))
17 Hit and Run with Vessel—Injury
18 Accident (RCW 79A.60.200(3))
19 Identity Theft 1 (RCW 9.35.020(2))
20 Indecent Exposure to Person Under Age
21 14 (subsequent sex offense) (RCW
22 9A.88.010)
23 Influencing Outcome of Sporting Event
24 (RCW 9A.82.070)
25 Physical Control of a Vehicle While
26 Under the Influence (RCW
27 46.61.504(6))
28 Possession of Depictions of a Minor
29 Engaged in Sexually Explicit
30 Conduct 2 (RCW 9.68A.070(2))
31 Residential Burglary (RCW 9A.52.025)
32 Robbery 2 (RCW 9A.56.210)
33 Theft of Livestock 1 (RCW 9A.56.080)
34 Threats to Bomb (RCW 9.61.160)

1 Trafficking in Stolen Property 1 (RCW
2 9A.82.050)

3 Unlawful factoring of a credit card or
4 payment card transaction (RCW
5 9A.56.290(4)(b))

6 Unlawful transaction of health coverage
7 as a health care service contractor
8 (RCW 48.44.016(3))

9 Unlawful transaction of health coverage
10 as a health maintenance
11 organization (RCW 48.46.033(3))

12 Unlawful transaction of insurance
13 business (RCW 48.15.023(3))

14 Unlicensed practice as an insurance
15 professional (RCW 48.17.063(2))

16 Use of Proceeds of Criminal
17 Profiteering (RCW 9A.82.080 (1)
18 and (2))

19 Vehicle Prowling 2 (third or subsequent
20 offense) (RCW 9A.52.100(3))

21 Vehicular Assault, by being under the
22 influence of intoxicating liquor or
23 any drug, or by the operation or
24 driving of a vehicle in a reckless
25 manner (RCW 46.61.522)

26 Viewing of Depictions of a Minor
27 Engaged in Sexually Explicit
28 Conduct 1 (RCW 9.68A.075(1))

29 Willful Failure to Return from Furlough
30 (RCW 72.66.060)

31 III Animal Cruelty 1 (Sexual Conduct or
32 Contact) (RCW 16.52.205(3))

33 Assault 3 (Except Assault 3 of a Peace
34 Officer With a Projectile Stun Gun)
35 (RCW 9A.36.031 except subsection
36 (1)(h))

37 Assault of a Child 3 (RCW 9A.36.140)

1 Bail Jumping with class B or C Felony
2 (RCW 9A.76.170(3)(c))
3 Burglary 2 (RCW 9A.52.030)
4 Communication with a Minor for
5 Immoral Purposes (RCW
6 9.68A.090)
7 Criminal Gang Intimidation (RCW
8 9A.46.120)
9 Custodial Assault (RCW 9A.36.100)
10 Cyber Harassment (RCW
11 9A.90.120(2)(b))
12 Escape 2 (RCW 9A.76.120)
13 Extortion 2 (RCW 9A.56.130)
14 False Reporting 2 (RCW
15 9A.84.040(2)(b))
16 Harassment (RCW 9A.46.020)
17 Intimidating a Public Servant (RCW
18 9A.76.180)
19 Introducing Contraband 2 (RCW
20 9A.76.150)
21 Malicious Injury to Railroad Property
22 (RCW 81.60.070)
23 Manufacture of Untraceable Firearm
24 with Intent to Sell (RCW 9.41.190)
25 Manufacture or Assembly of an
26 Undetectable Firearm or
27 Untraceable Firearm (RCW
28 9.41.325)
29 Mortgage Fraud (RCW 19.144.080)
30 Negligently Causing Substantial Bodily
31 Harm By Use of a Signal
32 Preemption Device (RCW
33 46.37.674)
34 Organized Retail Theft 1 (RCW
35 9A.56.350(2))

1 Perjury 2 (RCW 9A.72.030)
2 Possession of Incendiary Device (RCW
3 9.40.120)
4 Possession of Machine Gun, Bump-Fire
5 Stock, Undetectable Firearm, or
6 Short-Barreled Shotgun or Rifle
7 (RCW 9.41.190)
8 Promoting Prostitution 2 (RCW
9 9A.88.080)
10 Retail Theft with Special Circumstances
11 1 (RCW 9A.56.360(2))
12 Securities Act violation (RCW
13 21.20.400)
14 Tampering with a Witness (RCW
15 9A.72.120)
16 Telephone Harassment (subsequent
17 conviction or threat of death) (RCW
18 9.61.230(2))
19 Theft of Livestock 2 (RCW 9A.56.083)
20 Theft with the Intent to Resell 1 (RCW
21 9A.56.340(2))
22 Trafficking in Stolen Property 2 (RCW
23 9A.82.055)
24 Unlawful Hunting of Big Game 1 (RCW
25 77.15.410(3)(b))
26 Unlawful Imprisonment (RCW
27 9A.40.040)
28 Unlawful Misbranding of Fish or
29 Shellfish 1 (RCW 77.140.060(3))
30 Unlawful possession of firearm in the
31 second degree (RCW 9.41.040(2))
32 Unlawful Taking of Endangered Fish or
33 Wildlife 1 (RCW 77.15.120(3)(b))
34 Unlawful Trafficking in Fish, Shellfish,
35 or Wildlife 1 (RCW
36 77.15.260(3)(b))

1 Unlawful Use of a Nondesignated
2 Vessel (RCW 77.15.530(4))
3 Vehicular Assault, by the operation or
4 driving of a vehicle with disregard
5 for the safety of others (RCW
6 46.61.522)
7 Willful Failure to Return from Work
8 Release (RCW 72.65.070)
9 II Commercial Fishing Without a License
10 1 (RCW 77.15.500(3)(b))
11 Computer Trespass 1 (RCW 9A.90.040)
12 Counterfeiting (RCW 9.16.035(3))
13 Electronic Data Service Interference
14 (RCW 9A.90.060)
15 Electronic Data Tampering 1 (RCW
16 9A.90.080)
17 Electronic Data Theft (RCW 9A.90.100)
18 Engaging in Fish Dealing Activity
19 Unlicensed 1 (RCW 77.15.620(3))
20 Escape from Community Custody
21 (RCW 72.09.310)
22 Failure to Register as a Sex Offender
23 (second or subsequent offense)
24 (RCW 9A.44.130 prior to June 10,
25 2010, and RCW 9A.44.132)
26 Health Care False Claims (RCW
27 48.80.030)
28 Identity Theft 2 (RCW 9.35.020(3))
29 Improperly Obtaining Financial
30 Information (RCW 9.35.010)
31 Malicious Mischief 1 (RCW 9A.48.070)
32 Organized Retail Theft 2 (RCW
33 9A.56.350(3))
34 Possession of Stolen Property 1 (RCW
35 9A.56.150)

1 Possession of a Stolen Vehicle (RCW
2 9A.56.068)
3 Retail Theft with Special Circumstances
4 2 (RCW 9A.56.360(3))
5 Scrap Processing, Recycling, or
6 Supplying Without a License
7 (second or subsequent offense)
8 (RCW 19.290.100)
9 Theft 1 (RCW 9A.56.030)
10 Theft of a Motor Vehicle (RCW
11 9A.56.065)
12 Theft of Rental, Leased, Lease-
13 purchased, or Loaned Property
14 (valued at \$5,000 or more) (RCW
15 9A.56.096(5)(a))
16 Theft with the Intent to Resell 2 (RCW
17 9A.56.340(3))
18 Trafficking in Insurance Claims (RCW
19 48.30A.015)
20 Unlawful factoring of a credit card or
21 payment card transaction (RCW
22 9A.56.290(4)(a))
23 Unlawful Participation of Non-Indians
24 in Indian Fishery (RCW
25 77.15.570(2))
26 Unlawful Practice of Law (RCW
27 2.48.180)
28 Unlawful Purchase or Use of a License
29 (RCW 77.15.650(3)(b))
30 Unlawful Trafficking in Fish, Shellfish,
31 or Wildlife 2 (RCW
32 77.15.260(3)(a))
33 Unlicensed Practice of a Profession or
34 Business (RCW 18.130.190(7))
35 Voyeurism 1 (RCW 9A.44.115)

1 I Attempting to Elude a Pursuing Police
2 Vehicle (RCW 46.61.024)
3 False Verification for Welfare (RCW
4 74.08.055)
5 Forgery (RCW 9A.60.020)
6 Fraudulent Creation or Revocation of a
7 Mental Health Advance Directive
8 (RCW 9A.60.060)
9 Malicious Mischief 2 (RCW 9A.48.080)
10 Mineral Trespass (RCW 78.44.330)
11 Possession of Stolen Property 2 (RCW
12 9A.56.160)
13 Reckless Burning 1 (RCW 9A.48.040)
14 Spotlighting Big Game 1 (RCW
15 77.15.450(3)(b))
16 Suspension of Department Privileges 1
17 (RCW 77.15.670(3)(b))
18 Taking Motor Vehicle Without
19 Permission 2 (RCW 9A.56.075)
20 Theft 2 (RCW 9A.56.040)
21 Theft from a Vulnerable Adult 2 (RCW
22 9A.56.400(2))
23 Theft of Rental, Leased, Lease-
24 purchased, or Loaned Property
25 (valued at \$750 or more but less
26 than \$5,000) (RCW
27 9A.56.096(5)(b))
28 Transaction of insurance business
29 beyond the scope of licensure
30 (RCW 48.17.063)
31 Unlawful Fish and Shellfish Catch
32 Accounting (RCW 77.15.630(3)(b))
33 Unlawful Issuance of Checks or Drafts
34 (RCW 9A.56.060)
35 Unlawful Possession of Fictitious
36 Identification (RCW 9A.56.320)

1 Unlawful Possession of Instruments of
2 Financial Fraud (RCW 9A.56.320)
3 Unlawful Possession of Payment
4 Instruments (RCW 9A.56.320)
5 Unlawful Possession of a Personal
6 Identification Device (RCW
7 9A.56.320)
8 Unlawful Production of Payment
9 Instruments (RCW 9A.56.320)
10 Unlawful Releasing, Planting,
11 Possessing, or Placing Deleterious
12 Exotic Wildlife (RCW
13 77.15.250(2)(b))
14 Unlawful Trafficking in Food Stamps
15 (RCW 9.91.142)
16 Unlawful Use of Food Stamps (RCW
17 9.91.144)
18 Unlawful Use of Net to Take Fish 1
19 (RCW 77.15.580(3)(b))
20 Unlawful Use of Prohibited Aquatic
21 Animal Species (RCW
22 77.15.253(3))
23 Vehicle Prowl 1 (RCW 9A.52.095)
24 Violating Commercial Fishing Area or
25 Time 1 (RCW 77.15.550(3)(b))

26 **Sec. 4.** RCW 9A.04.080 and 2022 c 282 s 4 are each amended to
27 read as follows:

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

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

32 (i) Murder;

33 (ii) Homicide by abuse;

34 (iii) Arson if a death results;

35 (iv) Vehicular homicide;

36 (v) Vehicular assault if a death results;

1 (vi) Hit-and-run injury-accident if a death results (RCW
2 46.52.020(4));

3 (vii) Rape in the first degree (RCW 9A.44.040) if the victim is
4 under the age of sixteen;

5 (viii) Rape in the second degree (RCW 9A.44.050) if the victim is
6 under the age of sixteen;

7 (ix) Rape of a child in the first degree (RCW 9A.44.073);
8 (x) Rape of a child in the second degree (RCW 9A.44.076);
9 (xi) Rape of a child in the third degree (RCW 9A.44.079);
10 (xii) Sexual misconduct with a minor in the first degree (RCW
11 9A.44.093);
12 (xiii) Custodial sexual misconduct in the first degree (RCW
13 9A.44.160);
14 (xiv) Child molestation in the first degree (RCW 9A.44.083);
15 (xv) Child molestation in the second degree (RCW 9A.44.086);
16 (xvi) Child molestation in the third degree (RCW 9A.44.089); and
17 (xvii) Sexual exploitation of a minor (RCW 9.68A.040).

18 (b) Except as provided in (a) of this subsection, the following
19 offenses may not be prosecuted more than twenty years after its
20 commission:

21 (i) Rape in the first degree (RCW 9A.44.040);
22 (ii) Rape in the second degree (RCW 9A.44.050); or
23 (iii) Indecent liberties (RCW 9A.44.100).

24 (c) The following offenses may not be prosecuted more than ten
25 years after its commission:

26 (i) Any felony committed by a public officer if the commission is
27 in connection with the duties of his or her office or constitutes a
28 breach of his or her public duty or a violation of the oath of
29 office;

30 (ii) Arson if no death results;
31 (iii) Rape in the third degree (RCW 9A.44.060);
32 (iv) Attempted murder; or
33 (v) Trafficking under RCW 9A.40.100.

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

38 (i) RCW 9.68A.100 (commercial sexual abuse of a minor);
39 (ii) RCW 9.68A.101 (promoting commercial sexual abuse of a
40 minor);

1 (iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse
2 of a minor); (~~(e)~~)
3 (iv) RCW 9A.64.020 (incest); or
4 (v) Section 2 of this act (unlawful branding of another person).
5 (e) The following offenses may not be prosecuted more than six
6 years after its commission or discovery, whichever occurs later:
7 (i) Violations of RCW 9A.82.060 or 9A.82.080;
8 (ii) Any felony violation of chapter 9A.83 RCW;
9 (iii) Any felony violation of chapter 9.35 RCW;
10 (iv) Theft in the first or second degree under chapter 9A.56 RCW
11 when accomplished by color or aid of deception;
12 (v) Theft from a vulnerable adult under RCW 9A.56.400;
13 (vi) Trafficking in stolen property in the first or second degree
14 under chapter 9A.82 RCW in which the stolen property is a motor
15 vehicle or major component part of a motor vehicle as defined in RCW
16 46.80.010; or
17 (vii) Violations of RCW 82.32.290 (2) (a) (iii) or (4).
18 (f) The following offenses may not be prosecuted more than five
19 years after its commission: Any class C felony under chapter 74.09,
20 82.36, or 82.38 RCW.
21 (g) Bigamy may not be prosecuted more than three years after the
22 time specified in RCW 9A.64.010.
23 (h) A violation of RCW 9A.56.030 may not be prosecuted more than
24 three years after the discovery of the offense when the victim is a
25 tax exempt corporation under 26 U.S.C. Sec. 501(c) (3).
26 (i) No other felony may be prosecuted more than three years after
27 its commission; except that in a prosecution under RCW 9A.44.115, if
28 the person who was viewed, photographed, or filmed did not realize at
29 the time that he or she was being viewed, photographed, or filmed,
30 the prosecution must be commenced within two years of the time the
31 person who was viewed or in the photograph or film first learns that
32 he or she was viewed, photographed, or filmed.
33 (j) No gross misdemeanor may be prosecuted more than two years
34 after its commission.
35 (k) No misdemeanor may be prosecuted more than one year after its
36 commission.
37 (2) The periods of limitation prescribed in subsection (1) of
38 this section do not run during any time when the person charged is
39 not usually and publicly resident within this state.

1 (3) In any prosecution for a sex offense as defined in RCW
2 9.94A.030, the periods of limitation prescribed in subsection (1) of
3 this section run from the date of commission or two years from the
4 date on which the identity of the suspect is conclusively established
5 by deoxyribonucleic acid testing or by photograph as defined in RCW
6 9.68A.011, whichever is later.

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

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