

HOUSE BILL REPORT

SB 5242

As Reported By House Committee On:
Judiciary

Title: An act relating to incest.

Brief Description: Revising incest law.

Sponsors: Senators Jesernig, A. Smith, Loveland, Prentice, Bauer, Williams, Hargrove, Drew, M. Rasmussen, Snyder, McAuliffe, Wojahn, Quigley, Oke, Fraser, Winsley and Spanel.

Brief History:

Reported by House Committee on:
Judiciary, April 2, 1993, DPA.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 16 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Staff: Patricia Shelledy (786-7149).

Background: A person commits the crime of incest if the person engages in sexual intercourse or sexual contact with a relative. The relative may be an ancestor, descendant, brother, or sister of either whole or half blood. A descendant includes adopted children and stepchildren who are under age 18. No age limit is imposed on incest committed between adults who are blood relatives.

"Ancestor" is not defined in statute.

Summary of Amended Bill: The definition of "descendent" is changed so that sexual intercourse or sexual contact with an adopted child or stepchild is prohibited regardless of the child's age. A definition of "ancestor" is added to mean a direct lineal ancestor.

A technical amendment is made to delete an outdated reference to legitimate and illegitimate relationships.

Amended Bill Compared to Original Bill: The provisions raising incest to a class A felony when the victim is under age 12 and the perpetrator is at least 48 months older are stricken. All age limitations are removed.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: There should not be any age limit for charging incest when the child is adopted.

Testimony Against: The provisions raising incest in the first degree to a class A felony jeopardize prosecutions of rape 2 of a child in the first degree, which is a much more serious offense.

Witnesses: Donna Deleno, Washington Coalition of Sexual Assault Programs (pro, with concerns); and A.J. Barkis, Washington Association of Prosecuting Attorneys (con regarding subsection (7)).