

SENATE BILL REPORT

SB 5242

AS PASSED SENATE, FEBRUARY 18, 1993

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

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Staff: Jon Carlson (786-7459)

Hearing Dates: January 29, 1993; February 5, 1993

BACKGROUND:

Under current law, a person is guilty of incest in the first degree if he or she has sexual intercourse with a person whom he or she knows is related to him or her as an ancestor, descendant, brother or sister of the whole or half-blood. Incest in the first degree is a class B felony.

A person is guilty of incest in the second degree if he or she engages in sexual contact with a person whom he or she knows is related to him or her as an ancestor, descendant, brother, or sister of the whole or the half-blood. Incest in the second degree is a class C felony.

At present, the term "ancestor" is undefined in the incest statute. "Descendant" includes stepchildren and adopted children under 18 years of age.

It is suggested that "ancestor" and "descendant" be clarified. It is also recommended that a new class of incest be created for those situations when the incest victim is particularly young.

SUMMARY:

"Ancestor" includes direct lineal ancestors and aunts and uncles. "Descendant" means direct lineal descendants, adopted children, and stepchildren under 18 years of age.

Incest in the first degree where one person is less than 12 years old and the other person is at least 48 months older is a class A felony. In all other cases, incest in the first degree is a class B felony.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

All adopted children should be included within the protection of the existing incest statute.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Senator Jesernig, prime sponsor; Donna Deleno, Washington State Sexual Assault Coalition