

1 **SB 6672 - H AMD 399 WITHDRAWN 3-1-96**

2 By Representatives Lambert and Costa

3 On page 5, line 33, after "reporting." insert the following  
4 material:

5  
6 NEW SECTION. **Sec. 3.** A new section is added to chapter 9A.44 RCW  
7 to read as follows:

8 (1) A person is guilty of rape of a child in the fourth degree when  
9 the person has sexual intercourse with another who is at least sixteen  
10 years old but less than eighteen years old and not married to the  
11 perpetrator and the perpetrator is at least ten years older than the  
12 victim.

13 (2) Rape of a child in the fourth degree is a gross misdemeanor.  
14

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 9A.44 RCW  
16 to read as follows:

17 (1) A person is guilty of child molestation in the fourth degree  
18 when the person has, or knowingly causes another person under the age  
19 of eighteen to have, sexual contact with another who is at least  
20 sixteen years old but less than eighteen years old and not married to  
21 the perpetrator and the perpetrator is at least ten years older than  
22 the victim.

23 (2) Child molestation in the fourth degree is a gross misdemeanor.  
24

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 9A.44 RCW  
26 to read as follows:

27 In a prosecution under sections 1 or 2 of this act, it is an  
28 affirmative defense that the defendant must prove by a preponderance of  
29 the evidence, that the defendant did not know that the minor was  
30 sixteen or seventeen years of age.  
31

1        NEW SECTION.    **Sec. 6.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected."

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6            Correct internal references and correct the title accordingly.

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8            **EFFECT:** Sexual intercourse or sexual conduct with a minor at  
9 age 16 or 17 is criminalized under certain circumstances.

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