
SENATE BILL 5304

State of Washington

55th Legislature

1997 Regular Session

By Senators Fairley, Hargrove, Sheldon, Haugen, Goings, Kohl, Winsley and Oke

Read first time 01/22/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to drug-induced rape; and amending RCW 9A.44.050.

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

3 **Sec. 1.** RCW 9A.44.050 and 1993 c 477 s 2 are each amended to read
4 as follows:

5 (1) A person is guilty of rape in the second degree when, under
6 circumstances not constituting rape in the first degree, the person
7 engages in sexual intercourse with another person:

8 (a) By forcible compulsion;

9 (b) When the victim is incapable of consent by reason of being
10 physically helpless or mentally incapacitated including controlled
11 substance-induced physical helplessness or mental incapacity caused by
12 the perpetrator of the rape;

13 (c) When the victim is developmentally disabled and the perpetrator
14 is a person who is not married to the victim and who has supervisory
15 authority over the victim;

16 (d) When the perpetrator is a health care provider, the victim is
17 a client or patient, and the sexual intercourse occurs during a
18 treatment session, consultation, interview, or examination. It is an
19 affirmative defense that the defendant must prove by a preponderance of

1 the evidence that the client or patient consented to the sexual
2 intercourse with the knowledge that the sexual intercourse was not for
3 the purpose of treatment; or

4 (e) When the victim is a resident of a facility for mentally
5 disordered or chemically dependent persons and the perpetrator is a
6 person who is not married to the victim and has supervisory authority
7 over the victim.

8 (2) Rape in the second degree is a class A felony.

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