
SENATE BILL 5352

State of Washington

55th Legislature

1997 Regular Session

By Senators Benton and Hargrove

Read first time 01/24/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to sexual battery; adding a new section to chapter
2 9A.44 RCW; prescribing penalties; providing an effective date; and
3 declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.44 RCW
6 to read as follows:

7 (1) Notwithstanding any other law, a court shall sentence a
8 defendant to be treated with medroxyprogesterone acetate, according to
9 a schedule of administration established by the department of
10 corrections, if the defendant is convicted of rape in the first degree,
11 rape in the second degree, or rape of a child in the first degree as
12 described in this chapter. If the court sentences a defendant to be
13 treated with medroxyprogesterone acetate, the penalty may not be
14 imposed in lieu of, or reduce, any other penalty prescribed by law.
15 However, in lieu of treatment with medroxyprogesterone acetate, the
16 court may order the defendant to undergo physical castration upon
17 written motion by the defendant providing the defendant's intelligent,
18 knowing, and voluntary consent to physical castration as an alternative
19 penalty.

1 (2) Notwithstanding the maximum period of incarceration provided
2 for a conviction of rape in the first degree, rape in the second
3 degree, or rape of a child in the first degree, the court may sentence
4 a defendant to be treated with medroxyprogesterone acetate for a
5 specific term of years, or for the life of the defendant, if expert
6 medical testimony establishes, by a preponderance of the evidence, that
7 the defendant is an appropriate candidate for treatment with
8 medroxyprogesterone acetate. The department of corrections shall
9 provide the services necessary to administer medroxyprogesterone
10 acetate.

11 (3) If a defendant whom the court has sentenced to be treated with
12 medroxyprogesterone acetate fails or refuses to (a) appear as required
13 by the department of corrections for purposes of administering the
14 medroxyprogesterone acetate; or (b) allow the administration of
15 medroxyprogesterone acetate, the defendant is guilty of a class B
16 felony punishable as provided in RCW 9A.20.021.

17 NEW SECTION. **Sec. 2.** If any provision of this act or its
18 application to any person or circumstance is held invalid, the
19 remainder of the act or the application of the provision to other
20 persons or circumstances is not affected.

21 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of the
23 state government and its existing public institutions, and takes effect
24 July 1, 1997.

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