
HOUSE BILL 1940

State of Washington 58th Legislature 2003 Regular Session

By Representatives Newhouse, Lovick, Carrell, Moeller, Campbell,
Lantz, McMahan, Kirby and Edwards

Read first time 02/17/2003. Referred to Committee on Criminal
Justice & Corrections.

1 AN ACT Relating to sex offenses against children; adding new
2 sections to chapter 9A.44 RCW; and prescribing penalties.

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

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

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

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

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.44 RCW
13 to read as follows:

14 (1) A person is guilty of child molestation in the fourth degree
15 when the person has, or knowingly causes another person under the age
16 of eighteen to have, sexual contact with another who is at least
17 sixteen years old but less than eighteen years old and not married to

1 the perpetrator and the perpetrator is at least five years older than
2 the victim.

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

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

6 In a prosecution under section 1 or 2 of this act, it is an
7 affirmative defense that the defendant must prove by a preponderance of
8 the evidence that the defendant did not know that the minor was sixteen
9 or seventeen years of age.

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