

# FINAL BILL REPORT

## SHB 1097

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Synopsis as Enacted

**Brief Description:** Protecting frail elders and vulnerable adults and persons with developmental disabilities from perpetrators who commit their crimes while providing transportation, within the course of their employment, to frail elders and vulnerable adults and persons with developmental disabilities.

**Sponsors:** By House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Miloscia, Priest, Chase, Green, Ormsby, B. Sullivan, O'Brien, Morrell, Kenney, Moeller, Wallace, McCune and Simpson).

**House Committee on Public Safety & Emergency Preparedness**

**Senate Committee on Judiciary**

### **Background:**

#### Rape in the Second Degree.

A person commits Rape in the second degree if he or she engages in sexual intercourse with another person:

- by forcible compulsion;
- when the victim is incapable of consent by reason of being physically helpless or mentally incapacitated;
- when the victim is developmentally disabled and the perpetrator has supervisory authority over the victim;
- when the perpetrator is a health care provider and the intercourse occurs during a treatment session, consultation, interview, or examination;
- when the victim is a resident of a facility for mentally disordered or chemically dependent persons and the perpetrator has supervisory authority over the victim; or
- when the victim is a frail elder or vulnerable adult and the perpetrator has a significant relationship to the victim.

Rape in the second degree is a class A felony with a seriousness level of XI. It is also a "two strikes" offense and a "determinate plus" offense. This means that a first-time offender would generally be sentenced to a minimum term within a standard range of 78-102 months and a maximum term of life. The minimum term would be 25 years if: (a) a special allegation was made and proven that the victim of the crime was under the age of 15; or (b) the crime was committed with forcible compulsion and a special allegation was made and proven that the victim was a frail elder or vulnerable adult.

#### Indecent Liberties.

A person commits Indecent Liberties if he or she engages in sexual contact with another person:

- by forcible compulsion;
- when the victim is incapable of consent by reason of being physically helpless or mentally incapacitated;
- when the victim is developmentally disabled and the perpetrator has supervisory authority over the victim;
- when the perpetrator is a health care provider and the contact occurs during a treatment session, consultation, interview, or examination;
- when the victim is a resident of a facility for mentally disordered or chemically dependent persons and the perpetrator has supervisory authority over the victim; or
- when the victim is a frail elder or vulnerable adult and the perpetrator has a significant relationship to the victim.

Indecent Liberties with forcible compulsion is a class A felony with a seriousness level of X. It is also a "two strikes" sex offense and a "determinate plus" offense. This means that a first-time offender would generally be sentenced to a minimum term within a standard range of 51-68 months and a maximum term of life. The minimum term would be 25 years if a special allegation was made and proven that: (a) the victim of the crime was under the age of 15; or (b) the victim was a frail elder or vulnerable adult.

Indecent Liberties without forcible compulsion is a class B felony with a seriousness level of VII. It is also a "three strikes" offense. This means that a first-time offender would generally be sentenced within a standard range of 15-20 months.

**Summary:**

Rape in the Second Degree.

A person commits Rape in the second degree if he or she: (a) has sexual intercourse with a frail elder, a vulnerable adult, or a person with a developmental disability; and (b) was providing transportation, within the course of his or her employment, to the victim at the time of the offense.

Indecent Liberties.

A person commits Indecent Liberties if he or she: (a) has sexual contact with a frail elder, a vulnerable adult, or a person with a developmental disability; and (b) was providing transportation, within the course of his or her employment, to the victim at the time of the offense.

**Votes on Final Passage:**

House	96	0
Senate	45	0

**Effective:** April 10, 2007