
HOUSE BILL 1108

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Goodman, Jinkins, Wylie, Pedersen, Green, Roberts, Pettigrew, Maxwell, Orwall, Appleton, Ryu, Morrell, and Bergquist

Read first time 01/16/13. Referred to Committee on Public Safety.

1 AN ACT Relating to rape in the third degree and indecent liberties;
2 and amending RCW 9A.44.060 and 9A.44.100.

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

4 **Sec. 1.** RCW 9A.44.060 and 1999 c 143 s 34 are each amended to read
5 as follows:

6 (1) A person is guilty of rape in the third degree when, under
7 circumstances not constituting rape in the first or second degrees,
8 such person engages in sexual intercourse with another person(~~(, not~~
9 ~~married to the perpetrator)~~):

10 (a) Where the victim did not consent as defined in RCW
11 9A.44.010(7), to sexual intercourse with the perpetrator and such lack
12 of consent was clearly expressed by the victim's words or conduct, or

13 (b) Where there is threat of substantial unlawful harm to property
14 rights of the victim.

15 (2) Rape in the third degree is a class C felony.

16 **Sec. 2.** RCW 9A.44.100 and 2007 c 20 s 2 are each amended to read
17 as follows:

1 (1) A person is guilty of indecent liberties when he or she
2 knowingly causes another person (~~(who is not his or her spouse)~~) to
3 have sexual contact with him or her or another:

4 (a) By forcible compulsion;

5 (b) When the other person is incapable of consent by reason of
6 being mentally defective, mentally incapacitated, or physically
7 helpless;

8 (c) When the victim is a person with a developmental disability and
9 the perpetrator is a person who is not married to the victim and who:

10 (i) Has supervisory authority over the victim; or

11 (ii) Was providing transportation, within the course of his or her
12 employment, to the victim at the time of the offense;

13 (d) When the perpetrator is a health care provider, the victim is
14 a client or patient, and the sexual contact occurs during a treatment
15 session, consultation, interview, or examination. It is an affirmative
16 defense that the defendant must prove by a preponderance of the
17 evidence that the client or patient consented to the sexual contact
18 with the knowledge that the sexual contact was not for the purpose of
19 treatment;

20 (e) When the victim is a resident of a facility for persons with a
21 mental disorder or chemical dependency and the perpetrator is a person
22 who is not married to the victim and has supervisory authority over the
23 victim; or

24 (f) When the victim is a frail elder or vulnerable adult and the
25 perpetrator is a person who is not married to the victim and who:

26 (i) Has a significant relationship with the victim; or

27 (ii) Was providing transportation, within the course of his or her
28 employment, to the victim at the time of the offense.

29 (2)(a) Except as provided in (b) of this subsection, indecent
30 liberties is a class B felony.

31 (b) Indecent liberties by forcible compulsion is a class A felony.

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