
ENGROSSED SUBSTITUTE HOUSE BILL 2341

State of Washington

63rd Legislature

2014 Regular Session

By House Public Safety (originally sponsored by Representatives DeBolt, Jinkins, Harris, Rodne, Shea, and Taylor)

READ FIRST TIME 02/11/14.

1 AN ACT Relating to indecent liberties by a member of the clergy;
2 amending RCW 9A.44.100; and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.44.100 and 2013 c 94 s 2 are each amended to read
5 as follows:

6 (1) A person is guilty of indecent liberties when he or she
7 knowingly causes another person to have sexual contact with him or her
8 or another:

9 (a) By forcible compulsion;

10 (b) When the other person is incapable of consent by reason of
11 being mentally defective, mentally incapacitated, or physically
12 helpless;

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

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

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

18 (d) When the perpetrator is a health care provider, the victim is
19 a client or patient, and the sexual contact occurs during a treatment

1 session, consultation, interview, or examination. It is an affirmative
2 defense that the defendant must prove by a preponderance of the
3 evidence that the client or patient consented to the sexual contact
4 with the knowledge that the sexual contact was not for the purpose of
5 treatment;

6 (e) When the perpetrator is a member of the clergy as defined in
7 RCW 26.44.020 and is in a position of trust or authority over the
8 victim, the clergy uses the position of trust or authority to engage in
9 sexual contact with the victim by exploiting the victim's emotional
10 dependency on the clergy in the clergy's professional position as a
11 religious or spiritual advisor, the victim is an employee, member,
12 guest, visitor, or volunteer of the perpetrator's congregation or
13 organization and is seeking religious or spiritual advice, counseling,
14 aid, comfort, assistance, or guidance in a private session with the
15 clergy, and the sexual contact occurs during such a session or during
16 the time such sessions are occurring. It is an affirmative defense
17 that the defendant must prove by a preponderance of the evidence that
18 the victim consented to the sexual contact with the knowledge that the
19 sexual contact was not for the purpose of religious or spiritual
20 counseling, aid, comfort, assistance, or guidance;

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

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

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

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

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

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

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