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## Public Safety Committee

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### HB 1002

**Brief Description:** Modifying the offense of rape in the third degree.

**Sponsors:** Representatives Orwall, Mosbrucker, Goodman, Griffey, Lovick, Pellicciotti and Kraft.

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Modifies the offense of Rape in the third degree.</li></ul>
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**Hearing Date:** 1/15/19

**Staff:** Jenny Aronson (786-7290). Kelly Leonard (786-7147).

**Background:**

Statutory Definition of "Consent".

As defined in the criminal code governing Rape and other sex offenses, "consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

Rape in the Third Degree.

A person commits Rape in the third degree when, under circumstances not constituting rape in the first or second degrees, such person engages in sexual intercourse with another person:

- where the victim did not consent to sexual intercourse with the perpetrator and such lack of consent was clearly expressed by the victim's words or conduct; or
- where there is threat of substantial unlawful harm to property rights of the victim.

Rape in the third degree is a class C felony.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:**

Language requiring that a victim's lack of consent was clearly expressed by the victim's words or conduct is removed from the current definition of Rape in the third degree. Accordingly, a person commits Rape in the third degree when, under circumstances not constituting Rape in the first or second degrees, such person engages in sexual intercourse with another person:

- where the victim did not consent to sexual intercourse with the perpetrator; or
- where there is threat of substantial unlawful harm to property rights of the victim.

**Appropriation:** None.

**Fiscal Note:** Requested on January 11, 2019.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.