

**RCW 9A.44.040 Rape in the first degree.** (1) A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person:

(a) By forcible compulsion where the perpetrator or an accessory:

(i) Uses or threatens to use a deadly weapon or what appears to be a deadly weapon; or  
(ii) Kidnaps the victim; or  
(iii) Inflicts serious physical injury, including but not limited to physical injury which renders the victim unconscious; or

(iv) Feloniously enters into the building or vehicle where the victim is situated, or where the sexual intercourse occurs; or

(b) After the perpetrator or an accessory knowingly furnishes the victim with a legend drug, controlled substance, or controlled substance analog without the victim's knowledge and consent which renders the victim incapable of consent to sexual intercourse due to physical helplessness or mental incapacitation.

(2) Rape in the first degree is a class A felony.

(3) For purposes of this section:

(a) "Legend drug" has the same meaning as "legend drugs" as defined in RCW 69.41.010.

(b) "Controlled substance" has the same meaning as defined in RCW 69.50.101.

(c) "Controlled substance analog" has the same meaning as defined in RCW 69.50.101. [2024 c 297 s 13; 1998 c 242 s 1. Prior: 1983 c 118 s 1; 1983 c 73 s 1; 1982 c 192 s 11; 1982 c 10 s 3; prior: (1) 1981 c 137 s 36; 1979 ex.s. c 244 s 1; 1975 1st ex.s. c 247 s 1; 1975 1st ex.s. c 14 s 4. (2) 1981 c 136 s 57 repealed by 1982 c 10 s 18. Formerly RCW 9.79.170.]

**Effective date—2024 c 297:** See note following RCW 7.68.127.

**Severability—1983 c 73:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 c 73 s 2.]

**Severability—1982 c 10:** See note following RCW 6.13.080.

**Effective date—1981 c 136:** See RCW 72.09.900.