

# HOUSE BILL REPORT

## HB 2644

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### As Reported By House Committee On:

Law & Justice

**Title:** An act relating to sex offenses against children.

**Brief Description:** Concerning child sex offenses.

**Sponsors:** Representatives Lambert, Valle, Boldt and Thompson.

### **Brief History:**

#### **Committee Activity:**

Law & Justice: 1/30/96, 1/31/96 [DPS].

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## HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Murray; Robertson; Smith; Sterk and Veloria.

**Staff:** Pat Shelledy (786-7149).

**Background:** There are three degrees of the crimes called rape of a child and child molestation. Rape of a child involves sexual intercourse with a child. Child molestation involves sexual contact with a child.

First-degree rape of a child is committed if the victim is less than 12 and the perpetrator is at least 24 months older than the victim. Rape of a child in the first degree is a class A felony. Child molestation involves sexual contact with a child who is less than 12 and the perpetrator is at least 36 months older than the victim. Child molestation in the first degree is a class A felony.

Second-degree rape of a child is committed if the victim is at least 12, but less than 14, and the perpetrator is at least 36 months older than the victim. Rape of a child in the second degree is a class A felony. Child molestation in the second degree includes the same age ranges as rape of a child in the second degree and is a class B felony.

Third-degree rape of a child is committed if the victim is at least 14, but less than 16, and the perpetrator is at least 48 months older than the victim. Rape of a child in the third degree is a class C felony. Child molestation in the third degree includes the same age ranges as rape of a child in the third degree and is a class C felony.

Sexual intercourse or sexual contact with a minor age 16 or older is legal except under one other circumstance. Sexual intercourse or sexual contact with a minor is a crime if the minor is at least age 16, but less than 18, and the perpetrator is at least 60 months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship to engage in or cause the minor to have sexual intercourse (first degree) or contact (second degree). Sexual misconduct with a minor in the first degree is a class C felony and in the second degree is a gross misdemeanor.

The crimes of rape in the first, second, and third degree are ranked on the Sentencing Reform Act grid.

None of these crimes applies if the child and the perpetrator are married.

**Summary of Substitute Bill:** Sexual intercourse or sexual conduct with a minor at least age 16, but less than 18, is criminalized under certain circumstances.

Sexual intercourse with a minor is a class C felony if the minor is at least 16, but less than 18, and the perpetrator is at least five years older than the victim.

Sexual contact with a minor is a class C felony if the minor is at least 16, but less than 18, and the perpetrator is at least five years older than the victim.

The new crime of rape of a child in the fourth degree is ranked on the Sentencing Reform Act grid at level V, which means a first-time offender has a presumptive sentence of six to 12 months in jail. The new crime of child molestation in the fourth degree is ranked at seriousness level IV, which means a first-time offender has a presumptive sentence of three to nine months in jail.

The crimes of first- and second-degree sexual misconduct with a minor are repealed because the age differences are the same as the age ranges in the new crimes, and proof of the additional elements of sexual misconduct with a minor is no longer necessary.

Neither of these crimes applies if the child and the adult are married.

**Substitute Bill Compared to Original Bill:** The age difference is increased to five years from four years. The penalties are increased to class C felonies, and the offenses are ranked on the Sentencing Reform Act grid.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** A large number of pregnancies are resulting from men having sex with teenagers who are several years younger than the men. This behavior should no longer be sanctioned.

**Testimony Against:** None.

**Testified:** Representative Lambert, prime sponsor; Tom McBride, Washington Association of Prosecuting Attorneys (pro); and Deborah Ruggles, Washington Coalition of Sexual Assault Programs (with concerns).