

# SENATE BILL REPORT

## SB 6139

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As of January 26, 1996

**Title:** An act relating to rape.

**Brief Description:** Defining sexual intercourse by a supervisor with a resident of a correctional institution to be rape in the second degree.

**Sponsors:** Senators Smith, Haugen, Long, Schow, Winsley, Kohl and Heavey; by request of Department of Corrections.

**Brief History:**

**Committee Activity:** Law & Justice: 1/29/96.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Susan Carlson (786-7418)

**Background:** Staff in prisons and jails have substantial authority over the residents of those facilities. Concern has been expressed that authority can be abused and result in sexual relations with residents. It is suggested that sexual relations with residents of a prison or jail should be strictly prohibited by classifying such activity as rape in the third degree. This crime is a class C felony with a first offense standard range of six to 12 months.

**Summary of Substitute Bill:** The crime of rape in the third degree is committed if a person engages in sexual intercourse with a resident of a state or county adult or juvenile correctional facility, and is not married to the victim. Consent of the victim is not a defense.

**Substitute Bill Compared to Original Bill:** The original bill was not heard.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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