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HOUSE BILL 2166

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State of Washington

54th Legislature

1996 Regular Session

By Representatives McMahan, Sheahan, Huff, Robertson, Talcott, Costa, Chappell, Dickerson, D. Sommers, Ballasiotes, Campbell, Quall, D. Schmidt, Elliot, Lambert, Thompson, Cooke and Goldsmith; by request of Department of Corrections

Read first time 01/08/96. Referred to Committee on Corrections.

1 AN ACT Relating to rape; amending RCW 9A.44.050; and prescribing  
2 penalties.

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

4 **Sec. 1.** RCW 9A.44.050 and 1993 c 477 s 2 are each amended to read  
5 as follows:

6 (1) A person is guilty of rape in the second degree when, under  
7 circumstances not constituting rape in the first degree, the person  
8 engages in sexual intercourse with another person:

9 (a) By forcible compulsion;

10 (b) When the victim is incapable of consent by reason of being  
11 physically helpless or mentally incapacitated;

12 (c) When the victim is developmentally disabled and the perpetrator  
13 is a person who is not married to the victim and who has supervisory  
14 authority over the victim;

15 (d) When the perpetrator is a health care provider, the victim is  
16 a client or patient, and the sexual intercourse occurs during a  
17 treatment session, consultation, interview, or examination. It is an  
18 affirmative defense that the defendant must prove by a preponderance of  
19 the evidence that the client or patient consented to the sexual

1 intercourse with the knowledge that the sexual intercourse was not for  
2 the purpose of treatment; ((or))

3 (e) When the victim is a resident of a facility for mentally  
4 disordered or chemically dependent persons and the perpetrator is a  
5 person who is not married to the victim and has supervisory authority  
6 over the victim; or

7 (f) When the victim is a resident of a state or county adult or  
8 juvenile correctional facility, including but not limited to jails,  
9 prisons, or detention centers, or under the community supervision of  
10 state, county, or local correctional services for juveniles or adults,  
11 and the perpetrator is a person who is not married to the victim and  
12 has supervisory authority over the victim. Consent of the victim shall  
13 not be a defense to a prosecution under this subsection (1)(f).

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

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