
SENATE BILL 6139

State of Washington

54th Legislature

1996 Regular Session

By Senators Smith, Haugen, Long, Schow, Winsley, Kohl and Heavey; by request of Department of Corrections

Read first time 01/08/96. Referred to Committee on Law & Justice.

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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