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HOUSE BILL 1205

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Lambert, Koster, McMorris, L. Thomas, Pennington, Sump, Carrell, Johnson, Sheahan, Cooke, Schoesler, Mielke, McDonald, Zellinsky and Thompson

Read first time 01/17/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to sex offenses against children; adding new  
2 sections to chapter 9A.44 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.44 RCW  
5 to read as follows:

6 (1) A person is guilty of rape of a child in the fourth degree when  
7 the person has sexual intercourse with another who is at least sixteen  
8 years old but less than eighteen years old and not married to the  
9 perpetrator and the perpetrator is at least four years older than the  
10 victim.

11 (2) Rape of a child in the fourth degree is a gross misdemeanor.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.44 RCW  
13 to read as follows:

14 (1) A person is guilty of child molestation in the fourth degree  
15 when the person has, or knowingly causes another person under the age  
16 of eighteen to have, sexual contact with another who is at least  
17 sixteen years old but less than eighteen years old and not married to

1 the perpetrator and the perpetrator is at least four years older than  
2 the victim.

3 (2) Child molestation in the fourth degree is a gross misdemeanor.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 9A.44 RCW  
5 to read as follows:

6 In a prosecution under section 1 or 2 of this act, it is an  
7 affirmative defense that the defendant must prove by a preponderance of  
8 the evidence, that the defendant did not know that the minor was  
9 sixteen or seventeen years of age.

10 NEW SECTION. **Sec. 4.** If any provision of this act or its  
11 application to any person or circumstance is held invalid, the  
12 remainder of the act or the application of the provision to other  
13 persons or circumstances is not affected.

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