H-1126.1

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**SUBSTITUTE HOUSE BILL 1002**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** House Public Safety (originally sponsored by Representatives Orwall, Mosbrucker, Goodman, Griffey, Lovick, Pellicciotti, Kraft, Valdez, Irwin, Jinkins, Macri, Wylie, Bergquist, Doglio, Ortiz-Self, and Frame)

AN ACT Relating to modifying the offense of rape in the third degree; amending RCW 9A.44.060; and prescribing penalties.

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

**Sec.**  RCW 9A.44.060 and 2013 c 94 s 1 are each amended to read as follows:

(1) A person is guilty of rape in the third degree when, under circumstances not constituting rape in the first or second degrees, such person engages in sexual intercourse with another person:

(a) Where the victim did not consent ((~~as defined in RCW 9A.44.010(7),~~)) to sexual intercourse with the perpetrator ((~~and such lack of consent was clearly expressed by the victim's words or conduct,~~)); or

(b) Where there is threat of substantial unlawful harm to property rights of the victim.

(2) Rape in the third degree is a class C felony.

(3) For the purposes of this section, "consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

**--- END ---**