
SENATE BILL 6177

State of Washington

53rd Legislature

1994 Regular Session

By Senators L. Smith, Oke, Hochstatter, Moyer, Nelson, Anderson, Roach, Sellar and Morton

Read first time 01/17/94. Referred to Committee on Law & Justice.

1 AN ACT Relating to unlawful sexual contact; and amending RCW
2 9A.44.050 and 9A.44.100.

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 an inmate in a state or local correctional
8 facility and the perpetrator is a person who is not married to the
9 victim and is an employee of the facility.

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

11 **Sec. 2.** RCW 9A.44.100 and 1993 c 477 s 3 are each amended to read
12 as follows:

13 (1) A person is guilty of indecent liberties when he knowingly
14 causes another person who is not his spouse to have sexual contact with
15 him or another:

16 (a) By forcible compulsion; ((or))

17 (b) When the other person is incapable of consent by reason of
18 being mentally defective, mentally incapacitated, or physically
19 helpless;

20 (c) When the victim is developmentally disabled and the perpetrator
21 is a person who is not married to the victim and who has supervisory
22 authority over the victim;

23 (d) When the perpetrator is a health care provider, the victim is
24 a client or patient, and the sexual contact occurs during a treatment
25 session, consultation, interview, or examination. It is an affirmative
26 defense that the defendant must prove by a preponderance of the
27 evidence that the client or patient consented to the sexual contact
28 with the knowledge that the sexual contact was not for the purpose of
29 treatment; ((or))

30 (e) When the victim is a resident of a facility for mentally
31 disordered or chemically dependent persons and the perpetrator is a
32 person who is not married to the victim and has supervisory authority
33 over the victim; or

34 (f) When the victim is an inmate in a state or local correctional
35 facility and the perpetrator is an employee of the facility.

36 (2) Indecent liberties is a class B felony.

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