

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1108**

Chapter 94, Laws of 2013

63rd Legislature  
2013 Regular Session

CRIMES--THIRD DEGREE RAPE--INDECENT LIBERTIES

EFFECTIVE DATE: 07/28/13

Passed by the House March 11, 2013  
Yeas 96 Nays 1

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate April 15, 2013  
Yeas 48 Nays 0

BRAD OWEN

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**President of the Senate**

Approved May 1, 2013, 1:46 p.m.

JAY INSLEE

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1108** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

May 1, 2013

**Secretary of State  
State of Washington**

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HOUSE BILL 1108

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Passed Legislature - 2013 Regular Session

State of Washington                      63rd Legislature                      2013 Regular Session

By Representatives Goodman, Jinkins, Wylie, Pedersen, Green, Roberts, Pettigrew, Maxwell, Orwall, Appleton, Ryu, Morrell, and Bergquist

Read first time 01/16/13. Referred to Committee on Public Safety.

1            AN ACT Relating to rape in the third degree and indecent liberties;  
2 and amending RCW 9A.44.060 and 9A.44.100.

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

4            **Sec. 1.** RCW 9A.44.060 and 1999 c 143 s 34 are each amended to read  
5 as follows:

6            (1) A person is guilty of rape in the third degree when, under  
7 circumstances not constituting rape in the first or second degrees,  
8 such person engages in sexual intercourse with another person(~~(, not~~  
9 ~~married to the perpetrator)~~):

10            (a) Where the victim did not consent as defined in RCW  
11 9A.44.010(7), to sexual intercourse with the perpetrator and such lack  
12 of consent was clearly expressed by the victim's words or conduct, or

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

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

16            **Sec. 2.** RCW 9A.44.100 and 2007 c 20 s 2 are each amended to read  
17 as follows:

1 (1) A person is guilty of indecent liberties when he or she  
2 knowingly causes another person (~~who is not his or her spouse~~) to  
3 have sexual contact with him or her or another:

4 (a) By forcible compulsion;

5 (b) When the other person is incapable of consent by reason of  
6 being mentally defective, mentally incapacitated, or physically  
7 helpless;

8 (c) When the victim is a person with a developmental disability and  
9 the perpetrator is a person who is not married to the victim and who:

10 (i) Has supervisory authority over the victim; or

11 (ii) Was providing transportation, within the course of his or her  
12 employment, to the victim at the time of the offense;

13 (d) When the perpetrator is a health care provider, the victim is  
14 a client or patient, and the sexual contact occurs during a treatment  
15 session, consultation, interview, or examination. It is an affirmative  
16 defense that the defendant must prove by a preponderance of the  
17 evidence that the client or patient consented to the sexual contact  
18 with the knowledge that the sexual contact was not for the purpose of  
19 treatment;

20 (e) When the victim is a resident of a facility for persons with a  
21 mental disorder or chemical dependency and the perpetrator is a person  
22 who is not married to the victim and has supervisory authority over the  
23 victim; or

24 (f) When the victim is a frail elder or vulnerable adult and the  
25 perpetrator is a person who is not married to the victim and who:

26 (i) Has a significant relationship with the victim; or

27 (ii) Was providing transportation, within the course of his or her  
28 employment, to the victim at the time of the offense.

29 (2)(a) Except as provided in (b) of this subsection, indecent  
30 liberties is a class B felony.

31 (b) Indecent liberties by forcible compulsion is a class A felony.

Passed by the House March 11, 2013.

Passed by the Senate April 15, 2013.

Approved by the Governor May 1, 2013.

Filed in Office of Secretary of State May 1, 2013.