
SUBSTITUTE HOUSE BILL 2644

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Law & Justice (originally sponsored by Representatives Lambert, Valle, Boldt and Thompson)

Read first time 02/2/96.

1 AN ACT Relating to sex offenses against children; reenacting and
2 amending RCW 9.94A.320; adding new sections to chapter 9A.44 RCW;
3 repealing RCW 9A.44.093 and 9A.44.096; and prescribing penalties.

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

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

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

12 (2) Rape of a child in the fourth degree is a class C felony.

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

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

1 the perpetrator and the perpetrator is at least sixty months older than
2 the victim.

3 (2) Child molestation in the fourth degree is a class C felony.

4 **Sec. 3.** RCW 9.94A.320 and 1995 c 385 s 2, 1995 c 285 s 28, and
5 1995 c 129 s 3 (Initiative Measure No. 159) are each reenacted and
6 amended to read as follows:

7 TABLE 2

8 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

9	XV	Aggravated Murder 1 (RCW 10.95.020)
10	XIV	Murder 1 (RCW 9A.32.030)
11		Homicide by abuse (RCW 9A.32.055)
12	XIII	Murder 2 (RCW 9A.32.050)
13	XII	Assault 1 (RCW 9A.36.011)
14		Assault of a Child 1 (RCW 9A.36.120)
15	XI	Rape 1 (RCW 9A.44.040)
16		Rape of a Child 1 (RCW 9A.44.073)
17	X	Kidnapping 1 (RCW 9A.40.020)
18		Rape 2 (RCW 9A.44.050)
19		Rape of a Child 2 (RCW 9A.44.076)
20		Child Molestation 1 (RCW 9A.44.083)
21		Damaging building, etc., by explosion with
22		threat to human being (RCW
23		70.74.280(1))
24		Over 18 and deliver heroin or narcotic
25		from Schedule I or II to someone
26		under 18 (RCW 69.50.406)
27		Leading Organized Crime (RCW
28		9A.82.060(1)(a))
29	IX	Assault of a Child 2 (RCW 9A.36.130)
30		Robbery 1 (RCW 9A.56.200)
31		Manslaughter 1 (RCW 9A.32.060)
32		Explosive devices prohibited (RCW
33		70.74.180)

1 Indecent Liberties (with forcible
2 compulsion) (RCW 9A.44.100(1)(a))
3 Endangering life and property by
4 explosives with threat to human being
5 (RCW 70.74.270)
6 Over 18 and deliver narcotic from Schedule
7 III, IV, or V or a nonnarcotic from
8 Schedule I-V to someone under 18 and
9 3 years junior (RCW 69.50.406)
10 Controlled Substance Homicide (RCW
11 69.50.415)
12 Sexual Exploitation (RCW 9.68A.040)
13 Inciting Criminal Profiteering (RCW
14 9A.82.060(1)(b))
15 Vehicular Homicide, by being under the
16 influence of intoxicating liquor or
17 any drug (RCW 46.61.520)

18 VIII Arson 1 (RCW 9A.48.020)
19 Promoting Prostitution 1 (RCW 9A.88.070)
20 Selling for profit (controlled or
21 counterfeit) any controlled substance
22 (RCW 69.50.410)
23 Manufacture, deliver, or possess with
24 intent to deliver heroin or cocaine
25 (RCW 69.50.401(a)(1)(i))
26 Manufacture, deliver, or possess with
27 intent to deliver methamphetamine
28 (RCW 69.50.401(a)(1)(ii))
29 Vehicular Homicide, by the operation of
30 any vehicle in a reckless manner (RCW
31 46.61.520)

32 VII Burglary 1 (RCW 9A.52.020)
33 Vehicular Homicide, by disregard for the
34 safety of others (RCW 46.61.520)
35 Introducing Contraband 1 (RCW 9A.76.140)
36 Indecent Liberties (without forcible
37 compulsion) (RCW 9A.44.100(1) (b) and
38 (c))

1 Child Molestation 2 (RCW 9A.44.086)
2 Dealing in depictions of minor engaged in
3 sexually explicit conduct (RCW
4 9.68A.050)
5 Sending, bringing into state depictions of
6 minor engaged in sexually explicit
7 conduct (RCW 9.68A.060)
8 Involving a minor in drug dealing (RCW
9 69.50.401(f))
10 Reckless Endangerment 1 (RCW 9A.36.045)
11 Unlawful Possession of a Firearm in the
12 first degree (RCW 9.41.040(1)(a))

13 VI Bribery (RCW 9A.68.010)
14 Manslaughter 2 (RCW 9A.32.070)
15 Rape of a Child 3 (RCW 9A.44.079)
16 Intimidating a Juror/Witness (RCW
17 9A.72.110, 9A.72.130)
18 Damaging building, etc., by explosion with
19 no threat to human being (RCW
20 70.74.280(2))
21 Endangering life and property by
22 explosives with no threat to human
23 being (RCW 70.74.270)
24 Incest 1 (RCW 9A.64.020(1))
25 Manufacture, deliver, or possess with
26 intent to deliver narcotics from
27 Schedule I or II (except heroin or
28 cocaine) (RCW 69.50.401(a)(1)(i))
29 Intimidating a Judge (RCW 9A.72.160)
30 Bail Jumping with Murder 1 (RCW
31 9A.76.170(2)(a))
32 Theft of a Firearm (RCW 9A.56.300)

1 V Persistent prison misbehavior (RCW
2 9.94.070)
3 Criminal Mistreatment 1 (RCW 9A.42.020)
4 Rape 3 (RCW 9A.44.060)
5 (~~(Sexual Misconduct with a Minor 1~~ (RCW
6 ~~9A.44.093~~))
7 Rape of a Child 4 (RCW 9A.44.--- (section
8 1 of this act))
9 Child Molestation 3 (RCW 9A.44.089)
10 Kidnapping 2 (RCW 9A.40.030)
11 Extortion 1 (RCW 9A.56.120)
12 Incest 2 (RCW 9A.64.020(2))
13 Perjury 1 (RCW 9A.72.020)
14 Extortionate Extension of Credit (RCW
15 9A.82.020)
16 Advancing money or property for
17 extortionate extension of credit (RCW
18 9A.82.030)
19 Extortionate Means to Collect Extensions
20 of Credit (RCW 9A.82.040)
21 Rendering Criminal Assistance 1 (RCW
22 9A.76.070)
23 Bail Jumping with class A Felony (RCW
24 9A.76.170(2)(b))
25 Sexually Violating Human Remains (RCW
26 9A.44.105)
27 Delivery of imitation controlled substance
28 by person eighteen or over to person
29 under eighteen (RCW 69.52.030(2))
30 Possession of a Stolen Firearm (RCW
31 9A.56.310)

32 IV Residential Burglary (RCW 9A.52.025)
33 Theft of Livestock 1 (RCW 9A.56.080)
34 Robbery 2 (RCW 9A.56.210)
35 Assault 2 (RCW 9A.36.021)
36 Escape 1 (RCW 9A.76.110)
37 Arson 2 (RCW 9A.48.030)
38 Commercial Bribery (RCW 9A.68.060)

1 Bribing a Witness/Bribe Received by
2 Witness (RCW 9A.72.090, 9A.72.100)
3 Malicious Harassment (RCW 9A.36.080)
4 Threats to Bomb (RCW 9.61.160)
5 Willful Failure to Return from Furlough
6 (RCW 72.66.060)
7 Hit and Run « Injury Accident (RCW
8 46.52.020(4))
9 Vehicular Assault (RCW 46.61.522)
10 Manufacture, deliver, or possess with
11 intent to deliver narcotics from
12 Schedule III, IV, or V or
13 nonnarcotics from Schedule I-V
14 (except marijuana or
15 methamphetamines) (RCW
16 69.50.401(a)(1)(ii) through (iv))
17 Influencing Outcome of Sporting Event (RCW
18 9A.82.070)
19 Use of Proceeds of Criminal Profiteering
20 (RCW 9A.82.080 (1) and (2))
21 Knowingly Trafficking in Stolen Property
22 (RCW 9A.82.050(2))
23 Child Molestation 4 (RCW 9A.44.---
24 (section 2 of this act))

25 III Criminal Mistreatment 2 (RCW 9A.42.030)
26 Extortion 2 (RCW 9A.56.130)
27 Unlawful Imprisonment (RCW 9A.40.040)
28 Assault 3 (RCW 9A.36.031)
29 Assault of a Child 3 (RCW 9A.36.140)
30 Custodial Assault (RCW 9A.36.100)
31 Unlawful possession of firearm in the
32 second degree (RCW 9.41.040(1)(b))
33 Harassment (RCW 9A.46.020)
34 Promoting Prostitution 2 (RCW 9A.88.080)
35 Willful Failure to Return from Work
36 Release (RCW 72.65.070)
37 Burglary 2 (RCW 9A.52.030)
38 Introducing Contraband 2 (RCW 9A.76.150)

1 Communication with a Minor for Immoral
2 Purposes (RCW 9.68A.090)
3 Patronizing a Juvenile Prostitute (RCW
4 9.68A.100)
5 Escape 2 (RCW 9A.76.120)
6 Perjury 2 (RCW 9A.72.030)
7 Bail Jumping with class B or C Felony (RCW
8 9A.76.170(2)(c))
9 Intimidating a Public Servant (RCW
10 9A.76.180)
11 Tampering with a Witness (RCW 9A.72.120)
12 Manufacture, deliver, or possess with
13 intent to deliver marijuana (RCW
14 69.50.401(a)(1)(ii))
15 Delivery of a material in lieu of a
16 controlled substance (RCW
17 69.50.401(c))
18 Manufacture, distribute, or possess with
19 intent to distribute an imitation
20 controlled substance (RCW
21 69.52.030(1))
22 Recklessly Trafficking in Stolen Property
23 (RCW 9A.82.050(1))
24 Theft of livestock 2 (RCW 9A.56.080)
25 Securities Act violation (RCW 21.20.400)
26 II Unlawful Practice of Law (RCW 2.48.180)
27 Malicious Mischief 1 (RCW 9A.48.070)
28 Possession of Stolen Property 1 (RCW
29 9A.56.150)
30 Theft 1 (RCW 9A.56.030)
31 Trafficking in Insurance Claims (RCW
32 48.30A.015)
33 Unlicensed Practice of a Profession or
34 Business (RCW 18.130.190(7))
35 Health Care False Claims (RCW 48.80.030)
36 Possession of controlled substance that is
37 either heroin or narcotics from
38 Schedule I or II (RCW 69.50.401(d))

1 Possession of phencyclidine (PCP) (RCW
2 69.50.401(d))
3 Create, deliver, or possess a counterfeit
4 controlled substance (RCW
5 69.50.401(b))
6 Computer Trespass 1 (RCW 9A.52.110)
7 Escape from Community Custody (RCW
8 72.09.310)

9 I Theft 2 (RCW 9A.56.040)
10 Possession of Stolen Property 2 (RCW
11 9A.56.160)
12 Forgery (RCW 9A.60.020)
13 Taking Motor Vehicle Without Permission
14 (RCW 9A.56.070)
15 Vehicle Prowl 1 (RCW 9A.52.095)
16 Attempting to Elude a Pursuing Police
17 Vehicle (RCW 46.61.024)
18 Malicious Mischief 2 (RCW 9A.48.080)
19 Reckless Burning 1 (RCW 9A.48.040)
20 Unlawful Issuance of Checks or Drafts (RCW
21 9A.56.060)
22 Unlawful Use of Food Stamps (RCW 9.91.140
23 (2) and (3))
24 False Verification for Welfare (RCW
25 74.08.055)
26 Forged Prescription (RCW 69.41.020)
27 Forged Prescription for a Controlled
28 Substance (RCW 69.50.403)
29 Possess Controlled Substance that is a
30 Narcotic from Schedule III, IV, or V
31 or Non-narcotic from Schedule I-V
32 (except phencyclidine) (RCW
33 69.50.401(d))

34 NEW SECTION. **Sec. 4.** The following acts or parts of acts are each
35 repealed:

36 (1) RCW 9A.44.093 and 1994 c 271 s 306 & 1988 c 145 s 8; and

1 (2) RCW 9A.44.096 and 1994 c 271 s 307 & 1988 c 145 s 9.

2 NEW SECTION. **Sec. 5.** If any provision of this act or its
3 application to any person or circumstance is held invalid, the
4 remainder of the act or the application of the provision to other
5 persons or circumstances is not affected.

--- END ---