



ELIMINATE MARITAL EXEMPTIONS FOR RAPE IN THE THIRD DEGREE AND INDECENT LIBERTIES

PROBLEM: Current law allows for a person to be charged with first or second degree rape against their spouse. However, the law doesn't allow for charges of rape in the third degree or indecent liberties when the parties are married.

In 1983, Washington State recognized that marriage was not a defensible action for rape and removed marital rape exemption laws for rape in the first and second degree. Now, 30 years later, the archaic and problematic marital rape exemption for rape in the third degree and indecent liberties still remains. Washington is behind the times in comprehensively eradicating marital exemptions from statute, making them one of the last nine states to do so.

Rape in marriage is no less a crime than rape outside of marriage, yet that is exactly what current law communicates to spousal victims. Marital exemptions convey the concept that because of marital status, crimes committed by a spouse are "less harmful" and justifiable.

Sexual violence in marriage is a devastating crime and the impacts of intimate partner sexual violence are profound. Not only must victims live with the trauma, memory, and harm caused by the assault, they often must also live with their rapists.

Allowing spouses who commit these crimes to hide behind their marital status is unacceptable; victims of these crimes deserve the same legal protections provided to non-married persons.

It is due time for Washington to join the other 41 states and eliminate all marital sexual violence exemption language from law!

Modification of the definition of rape in the third degree and indecent liberties will not change prosecutorial process or the elements which must be met to establish the crime. It will enable prosecutors to file appropriate charges and provide legal remedy for victims who are sexually assaulted in marriage.

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- Support passage of HB 1108 which seeks to eliminate marital exemptions for sexual violence when the person is married to the perpetrator

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