
SENATE BILL 6531

State of Washington

61st Legislature

2010 Regular Session

By Senator Roach

Read first time 01/15/10. Referred to Committee on Judiciary.

1 AN ACT Relating to kidnapping of a child; amending RCW 9A.40.030;
2 and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.40.030 and 2003 c 53 s 65 are each amended to read
5 as follows:

6 (1) A person is guilty of kidnapping in the second degree if he or
7 she intentionally abducts another person under circumstances not
8 amounting to kidnapping in the first degree.

9 (2) In any prosecution for kidnapping in the second degree, it is
10 a defense if established by the defendant by a preponderance of the
11 evidence that (a) the abduction does not include the use of or intent
12 to use or threat to use deadly force, and (b) the actor is a relative
13 of the person abducted, and (c) the actor's sole intent is to assume
14 custody of that person. Nothing contained in this paragraph shall
15 constitute a defense to a prosecution for, or preclude a conviction of,
16 any other crime.

17 (3)(a) Except as provided in (b) and (c) of this subsection,
18 kidnapping in the second degree is a class B felony.

1 (b) Kidnapping in the second degree with a finding of sexual
2 motivation under RCW 9.94A.835 or 13.40.135 is a class A felony.

3 (c) Kidnapping in the second degree of a child fourteen years of
4 age or younger is a class A felony.

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