
Public Safety Committee

HB 2341

Brief Description: Concerning indecent liberties by a clergy member.

Sponsors: Representatives DeBolt, Jinkins, Harris, Rodne, Shea and Taylor.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Criminalizes sexual contact between a clergy member and someone seeking his or her counsel.

Hearing Date: 1/28/14

Staff: Jenna Zwang (786-7290) and Sarah Koster (786-7303).

Background:

"Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

A person commits Indecent Liberties when he or she knowingly causes another person to have sexual contact with him or her or another:

- by forcible compulsion;
- when the other person is incapable of consent;
- when the victim is a person with a developmental disability;
- when the perpetrator is a health care provider, the victim is a client or patient and the sexual contact occurs during a treatment session; or
- when the victim is a frail elder or vulnerable adult.

All Indecent Liberties offenses are class B felonies with a seriousness level of VII, except for Indecent Liberties by Forcible Compulsion, which is a class A felony with a seriousness level of X.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill:

A member of the clergy is guilty of Indecent Liberties when they use their position of trust or authority to engage in sexual contact with the victim by exploiting the victim's emotional dependency on the clergy.

Indecent Liberties by a member of a clergy is committed when the perpetrator is:

1. a member of the clergy;
2. in a position of trust or authority over the victim;
3. uses the position of trust or authority to engage in sexual conduct with the victim by exploiting the victim's emotional dependency on the clergy in the clergy's professional position as a religious or spiritual advisor;
4. the victim is an employee, member, guest, visitor, or volunteer of the perpetrator's congregation or organization;
5. the victim is seeking religious or spiritual advice, counseling, aid, comfort, assistance, or guidance; and
6. the sexual contact occurs during a private session with the clergy, or within a period of two years following the termination of such a session.

Indecent Liberties by a member of the clergy is an unranked felony.

It is not a defense that the victim consented to the sexual contact.

Appropriation: None.

Fiscal Note: Requested on January 22, 2014.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.