

HOUSE BILL ANALYSIS
HB 2573

Title: An act relating to custodial sexual misconduct.

Brief Description: Defining the crime of custodial sexual misconduct.

Sponsors: Representatives Lambert, Carrell, Costa, and Thompson.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Hearing Date: January 27, 1998.

Prepared By: Mark G. Hamilton, Counsel (786-7310).

Background: Currently, there is no specific crime which makes unlawful sexual intercourse between a correctional employee and a correctional inmate, or between a law enforcement officer and a person under arrest.

Summary:

Section 1. Adds new section to chapter 9A.44 RCW, relating to sexual offenses. *Crime of Custodial Sexual Misconduct - Definition; Consent No Defense; Classification.* Creates the crime of custodial sexual misconduct. The offense occurs when a person has sexual intercourse with a resident of a state, county, or municipal adult or juvenile correctional facility, when the perpetrator has supervisory authority over the victim. The offense also includes situations in which the victim is a person under arrest and in custody and the perpetrator is a law enforcement officer. The consent of the victim is no defense to custodial sexual misconduct. This would be a class C felony.

Section 2. Amends Sentencing Guidelines Table 2, showing seriousness levels of each crime. *Custodial Sexual Misconduct a Level V Offense.* Sets custodial sexual misconduct as at seriousness level V for sentencing purposes. This crime would be punishable by a minimum of 9 months to 7 years in prison.

Section 3. Amends RCW 43.43.830. *Definition of "Crime Against Children or Other Persons."* Adds custodial sexual misconduct to list of crimes which are considered crimes against children or other persons. This classification is used for those background checks of those applying for jobs which allow unsupervised access to children under 16 years old.

Section 4. Amends RCW 70.125.030. *Definition of "Sexual Assault."* Adds custodial sexual misconduct to list of crimes which are considered sexual assault." This section relates to programs for victims of sexual assault. Thus, those who were victims of custodial sexual misconduct would be eligible for sexual assault victims programs.

Rules Authority: No.

Fiscal Note: Requested January 23, 1998.

Effective Date: Ninety days after adjournment of session in which bill is passed.