

**HOUSE BILL ANALYSIS
HB 2721**

Title: An act relating to school district employees who commit crimes against children.

Brief Description: Enhancing penalties for school district employees who commit crimes against children.

Sponsors: Representatives McCune, Sump, Sheahan, Mulliken, Schoesler, D. Sommers, Thompson, D. Schmidt, Koster, Benson, Bush, Pennington, Sherstad, and Dunn.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Hearing Date: January 27, 1998.

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

Background: There are no statutory enhancements for school district employees charged with or convicted of a felony crime against a child. Nor are there provisions relating to the employee's employment status pending charge with such crimes or the disposition of any salary or wages accumulated during that period.

Summary: **Section 1.** Adds new subsection to RCW 9.94A.120 relating to punishments for felonies.

Five Year Minimum School Employees Convicted of Crimes Against Children. Provides for a minimum of 5 years in prison when specific crimes against children are committed by a certificated or classified school employee of a school district who has contact with children during the course of employment. These crimes include (1) any crime of felony physical neglect of a child; (2) felony resulting in physical injury or death of a child (except motor vehicle crimes); (3) sexual exploitation of a child, (4) sexual offenses in which a minor is the victim; (5) promoting prostitution of a minor; (6) sale or purchase of a minor child; or (7) the violation of similar laws of another jurisdiction.

No Eligibility for Leniency. The five year minimum is mandatory, and may not be varied, even if the court finds substantial or compelling circumstances which would otherwise warrant it. In addition, offenders will not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release.

Section 2. Adds new section to 28A.400 RCW relating to school district employees.

Charged Employees Placed on Leave; Wages in Trust; Forfeiture. Any certificated or classified employee of a school district who has contact with children during the course of employment and is charged with any of the crimes listed above, must immediately be placed on leave. The employee's salary or wages must be placed in a trust account. Those funds will be forfeited to the school district upon a guilty finding, or returned to the employee upon a not guilty finding or dismissal.

Rules Authority: No.

Fiscal Note: Requested January 23, 1998.

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