

2573-S

Sponsor(s): House Committee on Criminal Justice & Corrections  
(originally sponsored by Representatives Lambert, Carrell, Costa  
and Thompson)

Brief Title: Defining the crime of custodial sexual misconduct.

**HB 2573-S - DIGEST**

(AS OF HOUSE 2ND READING 2/11/98)

Establishes elements of the crime of custodial sexual misconduct in the first degree, a class C felony.

Establishes elements of the crime of custodial sexual conduct in the second degree, a gross misdemeanor.

Provides that a person is guilty of custodial sexual misconduct in the first degree when the person has sexual intercourse with another person who is a resident of any public or private facility used for the incarceration, imprisonment, detention, or housing of adult or juvenile inmates or criminal defendants or is otherwise under correctional supervision, and the perpetrator is an employee or contract personnel of a correctional agency.

Declares that, upon conviction of the employee for violation of this act, the employee's employment shall be terminated.

Declares that nothing in this act shall be construed to limit or restrict the authority of the employer to take appropriate disciplinary action, up to and including dismissal, prior to conviction, pursuant to other constitutional, statutory, regulatory, or contractual authority.

Declares that, when an employee or former employee is convicted for violation of this act, a cause of action shall exist for the employer against the employee or former employee for any expenses incurred by the employer as a result of the criminal actions of the employee or former employee, including third-party civil judgment.