

5234

Sponsor(s): Senators Long, Horn, Kline, Gardner, McCaslin, Zarelli, Roach, Hargrove, Kohl-Welles, Haugen, Franklin, Stevens, Thibaudeau, Oke, Winsley, Costa and Benton; by request of Department of Corrections

Brief Description: Defining the crime of custodial sexual misconduct.

SB 5234 - DIGEST

(SUBSTITUTED FOR - SEE 1ST SUB)

Provides that a person is guilty of custodial sexual misconduct in the first degree when the person has sexual intercourse with another person:

(a)(i) Who is a resident of a state, county, or city adult or juvenile correctional facility, including but not limited to jails, prisons, detention centers, or work release facilities, or (ii) who is under correctional supervision; and the perpetrator is an employee or contract personnel of a correctional agency and the perpetrator has, or the resident reasonably believes the perpetrator has, the ability to influence the terms, conditions, length, or fact of incarceration or correctional supervision; or

(b) Who is being detained, under arrest or in the custody of a law enforcement officer and the perpetrator is a law enforcement officer.

Declares that consent of the victim is not a defense to a prosecution under this act.

Declares that custodial sexual misconduct in the first degree is a class C felony.

Declares that a person is guilty of custodial sexual misconduct in the second degree when the person has sexual contact with another person:

(a)(i) Who is a resident of a state, county, or city adult or juvenile correctional facility, including but not limited to jails, prisons, detention centers, or work release facilities, or (ii) who is under correctional supervision; and the perpetrator is an employee or contract personnel of a correctional agency and perpetrator has, or the resident reasonably believes the perpetrator has, the ability to influence the terms, conditions, length, or fact of incarceration or correctional supervision; or

(b) Who is being detained, under arrest, or in the custody of a law enforcement officer and the perpetrator is a law enforcement officer.

Provides that consent of the victim is not a defense to a prosecution under this act.

Provides that custodial sexual misconduct in the second degree is a gross misdemeanor.