

1 **HB 2262 - H AMD 253 ADOPTED 6/5/01**

2 By Representative Lambert

3 Strike everything after the enacting clause and insert the
4 following:

5 **Sec. 1.** RCW 9A.44.093 and 1994 c 271 s 306 are each amended to
6 read as follows:

7 (1) A person is guilty of sexual misconduct with a minor in the
8 first degree when: (a) The person has, or knowingly causes another
9 person under the age of eighteen to have, sexual intercourse with
10 another person who is at least sixteen years old but less than eighteen
11 years old and not married to the perpetrator, if the perpetrator is at
12 least sixty months older than the victim, is in a significant
13 relationship to the victim, and abuses a supervisory position within
14 that relationship in order to engage in or cause another person under
15 the age of eighteen to engage in sexual intercourse with the victim; or
16 (b) the person is a school employee who has, or knowingly causes
17 another person under the age of eighteen to have, sexual intercourse
18 with a registered student of the school who is at least sixteen years
19 old and not married to the employee, if the employee is at least sixty
20 months older than the student.

21 (2) Sexual misconduct with a minor in the first degree is a class
22 C felony.

23 (3) For the purposes of this section, "school employee" means an
24 employee of a common school defined in RCW 28A.150.020, or a grade
25 kindergarten through twelve employee of a private school under chapter
26 28A.195 RCW, who is not enrolled as a student of the common school or
27 private school.

28 **Sec. 2.** RCW 9A.44.096 and 1994 c 271 s 307 are each amended to
29 read as follows:

30 (1) A person is guilty of sexual misconduct with a minor in the
31 second degree when: (a) The person has, or knowingly causes another
32 person under the age of eighteen to have, sexual contact with another
33 person who is at least sixteen years old but less than eighteen years
34 old and not married to the perpetrator, if the perpetrator is at least
35 sixty months older than the victim, is in a significant relationship to

1 the victim, and abuses a supervisory position within that relationship
2 in order to engage in or cause another person under the age of eighteen
3 to engage in sexual contact with the victim; or (b) the person is a
4 school employee who has, or knowingly causes another person under the
5 age of eighteen to have, sexual contact with a registered student of
6 the school who is at least sixteen years old and not married to the
7 employee, if the employee is at least sixty months older than the
8 student.

9 (2) Sexual misconduct with a minor in the second degree is a gross
10 misdemeanor.

11 (3) For the purposes of this section, "school employee" means an
12 employee of a common school defined in RCW 28A.150.020, or a grade
13 kindergarten through twelve employee of a private school under chapter
14 28A.195 RCW, who is not enrolled as a student of the common school or
15 private school.-

EFFECT: Provides that a person is guilty of sexual misconduct with a minor in the first degree or second degree the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse or sexual contact with a registered student of the school who is at least sixteen years old and not married to the employee, if the employee is at least sixty months older than the student.

--- END «