

FINAL BILL REPORT

SHB 1091

FULL VETO

Synopsis as Enacted

Brief Description: Changing sexual misconduct laws with regard to school employees.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lambert, H. Sommers, Miloscia, Cairnes, Schindler, Talcott and Mielke).

House Committee on Criminal Justice & Corrections
Senate Committee on Judiciary

Background:

The crime of sexual misconduct with a minor is committed if the victim is 16 or 17 years old and the perpetrator is at least five years older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship to engage in sexual intercourse (first degree) or sexual contact (second degree) with the victim. The crime is also committed if the perpetrator causes the minor to have sexual intercourse or sexual contact with another minor. It is not a crime if the child and the perpetrator are married.

Sexual misconduct with a minor in the first degree is a class C felony, ranked at seriousness level V, and in the second degree is a gross misdemeanor.

The term "significant relationship" as it applies in this context means a situation in which the perpetrator is a person who is responsible for providing education, health, welfare, or organized recreational activities for minors, or who supervises minors in the course of his or her employment.

The term "abuse of a supervisory position" means a direct or indirect threat or promise to use authority to the detriment or benefit of a minor.

Summary:

It is also sexual misconduct with a minor if a school employee has, or knowingly causes another minor to have, sexual intercourse (first degree) or sexual contact (second degree) with a registered student of the school who is at least 16 years old and not married to the school employee. The term "school employee" is defined to mean an employee of a public or private school, grades kindergarten through 12.

Votes on Final Passage:

House 98 0

Senate 40 4