

SENATE BILL REPORT

EHB 2262

As of June 5, 2001

Title: An act relating to sexual misconduct with a minor.

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

Sponsors: By Representatives Lambert, H. Sommers, Talcott and Kessler.

Brief History:

Staff: Aldo Melchiori (786-7439)

Background: Sexual misconduct with a minor is committed when the minor is between 16 and 18 years old and the perpetrator is at least five years older than the victim and not married to the victim. The perpetrator must be in a significant relationship to the victim and must abuse a supervisory position within that relationship in order to engage in, or cause another minor to engage in, sexual intercourse (first degree) or sexual contact (second degree) with the victim. Sexual misconduct in the first degree is a class C felony, seriousness level V, and in the second degree is a gross misdemeanor.

"Significant relationship" means a situation in which the perpetrator has the responsibility to provide education, health, welfare, or organized recreational activities principally for minors, or supervises minors in the course of his or her employment. "Abuse of a supervisory position" occurs when the perpetrator uses a direct or indirect threat or promise to use authority to the detriment or benefit of a minor.

Summary of Bill: Sexual misconduct also occurs when a school employee has, or knowingly causes another person under the age of 18 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 employee, if the employee is at least 60 months older than the student. A school employee is an employee of a public or private school which maintains programs for grades kindergarten through 12.

Appropriation: None.

Fiscal Note: Not requested.

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