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**SUBSTITUTE HOUSE BILL 1091**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

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

Read first time 02/07/2001. Referred to Committee on .

1 AN ACT Relating to sexual misconduct with a minor; amending RCW  
2 9A.44.093 and 9A.44.096; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

3 (3) For the purposes of this section, "school employee" means an  
4 employee of a common school defined in RCW 28A.150.020 or a grade  
5 kindergarten through twelve employee of a private school under chapter  
6 28A.195 RCW.

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

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

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

24 (3) For the purposes of this section, "school employee" means an  
25 employee of a common school defined in RCW 28A.150.020 or a grade  
26 kindergarten through twelve employee of a private school under chapter  
27 28A.195 RCW.

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