

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1091

57th Legislature
2001 Regular Legislative Session

Passed by the House March 9, 2001
Yeas 98 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate April 12, 2001
Yeas 40 Nays 4

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1091** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1091

Passed Legislature - 2001 Regular Session

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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