
SENATE BILL 6498

State of Washington 57th Legislature

2002 Regular Session

By Senators Long, Hargrove, Costa, Carlson, Winsley and Kohl-Welles

Read first time 01/18/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to limiting the crime of sexual misconduct with a
2 minor to cases in which the victim is a minor; and amending RCW
3 9A.44.093 and 9A.44.096.

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

5 **Sec. 1.** RCW 9A.44.093 and 2001 2nd sp.s. c 12 s 357 are each
6 amended to 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

1 old but less than eighteen years old and not married to the employee,
2 if the employee is at least sixty months older than the student.

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

5 (3) For the purposes of this section, "school employee" means an
6 employee of a common school defined in RCW 28A.150.020, or a grade
7 kindergarten through twelve employee of a private school under chapter
8 28A.195 RCW, who is not enrolled as a student of the common school or
9 private school.

10 **Sec. 2.** RCW 9A.44.096 and 2001 2nd sp.s. c 12 s 358 are each
11 amended to read as follows:

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

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

28 (3) For the purposes of this section, "school employee" means an
29 employee of a common school defined in RCW 28A.150.020, or a grade
30 kindergarten through twelve employee of a private school under chapter
31 28A.195 RCW, who is not enrolled as a student of the common school or
32 private school.

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