

# FINAL BILL REPORT

## SSB 5309

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### C 262 L 05

Synopsis as Enacted

**Brief Description:** Defining sexual misconduct with a minor.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Benton and Kline).

**Senate Committee on Human Services & Corrections**  
**House Committee on Criminal Justice & Corrections**

**Background:** Sexual intercourse or sexual contact with a minor who is 16- or 17-years-old is not a crime, except for two situations. Sexual misconduct with a minor is a crime if the perpetrator is a school employee and the minor is a registered student of the school. Sexual misconduct with a 16- or 17-year-old is also a crime if the perpetrator is at least five years older, is not married to but is in a significant relationship to the minor, and abuses a supervisory position within that relationship to engage in or cause the minor to have sexual intercourse (first degree) or sexual contact (second degree). Sexual misconduct with a minor in the first degree is a class C felony, and sexual misconduct in the second degree is a gross misdemeanor.

In the context of the crime of sexual misconduct with a minor, "abuse of a supervisory position" means a direct or indirect threat or promise to use authority to the detriment or benefit of a minor. "Significant relationship" means a situation in which the perpetrator voluntarily or professionally provides education, health, welfare, or organized recreation, principally for minors. It also means a situation in which a person supervises minors in the course of his or her work. It also means a situation in which a person provides welfare, health, or residential assistance, personal care, or organized recreational activities to frail elders or vulnerable adults.

**Summary:** The definition of "abuse of a supervisory position," an element of the crime of sexual misconduct with a minor, is amended to include exploiting a significant relationship to obtain the consent of a minor. The section of the criminal law establishing the elements of the crime of sexual misconduct with a minor is also amended to include a situation in which a foster parent has sexual contact or sexual intercourse, or causes another person under the age of eighteen to have sexual contact or sexual intercourse, with his or her foster child who is at least 16 years old.

**Votes on Final Passage:**

Senate	44	0
House	94	0

**Effective:** July 24, 2005