
HOUSE BILL 2247

State of Washington 59th Legislature 2005 Regular Session

By Representatives Nixon, Springer, Talcott, Roach and Tom

Read first time 02/28/2005. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to protecting minors from sexual misconduct;
2 amending RCW 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 2001 2nd sp.s. c 12 s 357 are each
5 amended to read as follows:

6 (1) A person is guilty of sexual misconduct with a minor in the
7 first degree when:

8 (a) The person has, or knowingly causes another person under the
9 age of eighteen to have, sexual intercourse with another person who is
10 at least sixteen years old but less than eighteen years old and not
11 married to the perpetrator, if the perpetrator is at least sixty months
12 older than the victim, is in a significant relationship to the victim,
13 and abuses a supervisory position within that relationship in order to
14 engage in or cause another person under the age of eighteen to engage
15 in sexual intercourse with the victim; (~~(e)~~)

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 and not married to the employee, if the employee is at least sixty
2 months older than the student; or

3 (c) The person has, or knowingly causes another person under the
4 age of eighteen to have, sexual intercourse with another person who is
5 at least sixteen years old but less than eighteen years old and not
6 married to the perpetrator, if the perpetrator is at least sixty months
7 older than the victim, is personally known by the victim and a parent
8 or guardian of the victim, and takes advantage of the personal
9 relationship or familiarity in order to engage in or cause another
10 person under the age of eighteen to engage in sexual intercourse with
11 the victim.

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

14 (3) For the purposes of this section, "school employee" means an
15 employee of a common school defined in RCW 28A.150.020, or a grade
16 kindergarten through twelve employee of a private school under chapter
17 28A.195 RCW, who is not enrolled as a student of the common school or
18 private school.

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

21 (1) A person is guilty of sexual misconduct with a minor in the
22 second degree when:

23 (a) The person has, or knowingly causes another person under the
24 age of eighteen to have, sexual contact with another person who is at
25 least sixteen years old but less than eighteen years old and not
26 married to the perpetrator, if the perpetrator is at least sixty months
27 older than the victim, is in a significant relationship to the victim,
28 and abuses a supervisory position within that relationship in order to
29 engage in or cause another person under the age of eighteen to engage
30 in sexual contact with the victim; (~~or~~)

31 (b) The person is a school employee who has, or knowingly causes
32 another person under the age of eighteen to have, sexual contact with
33 a registered student of the school who is at least sixteen years old
34 and not married to the employee, if the employee is at least sixty
35 months older than the student; or

36 (c) The person has, or knowingly causes another person under the
37 age of eighteen to have, sexual contact with another person who is at

1 least sixteen years old but less than eighteen years old and not
2 married to the perpetrator, if the perpetrator is at least sixty months
3 older than the victim, is personally known by the victim and a parent
4 or guardian of the victim, and takes advantage of the personal
5 relationship or familiarity in order to engage in or cause another
6 person under the age of eighteen to engage in sexual contact with the
7 victim.

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

10 (3) For the purposes of this section, "school employee" means an
11 employee of a common school defined in RCW 28A.150.020, or a grade
12 kindergarten through twelve employee of a private school under chapter
13 28A.195 RCW, who is not enrolled as a student of the common school or
14 private school.

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