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HOUSE BILL 2533

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State of Washington

59th Legislature

2006 Regular Session

By Representative Nixon

Read first time 01/10/2006. Referred to Committee on Criminal Justice & Corrections.

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 2005 c 262 s 2 are each amended to read  
5 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;~~  
15 ~~(b) the person is a school employee who 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, if the employee is at least sixty~~  
19 ~~months older than the student; or (c) the person is a foster parent who~~

1 ~~has, or knowingly causes another person under the age of eighteen to~~  
2 ~~have, sexual intercourse with his or her foster child who is at least~~  
3 ~~sixteen)).~~

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

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

11 **Sec. 2.** RCW 9A.44.096 and 2005 c 262 s 3 are each amended to read  
12 as follows:

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

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

31 ~~((3) For the purposes of this section, "school employee" means an~~  
32 ~~employee of a common school defined in RCW 28A.150.020, or a grade~~  
33 ~~kindergarten through twelve employee of a private school under chapter~~  
34 ~~28A.195 RCW, who is not enrolled as a student of the common school or~~  
35 ~~private school.))~~

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