
SUBSTITUTE SENATE BILL 5232

State of Washington

61st Legislature

2009 Regular Session

By Senate Judiciary (originally sponsored by Senators Delvin, Holmquist, Hewitt, Schoesler, Carrell, King, Swecker, Pflug, Shin, Kastama, Benton, Kohl-Welles, and Roach)

READ FIRST TIME 02/06/09.

1 AN ACT Relating to protecting enrolled school students from sexual
2 misconduct by school employees; and amending RCW 9A.44.093 and
3 9A.44.096.

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

5 **Sec. 1.** RCW 9A.44.093 and 2005 c 262 s 2 are each amended to read
6 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;
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~~) an enrolled student of the school who is at least
19 sixteen years old and not more than twenty-one years old and not

1 married to the employee, if the employee is at least sixty months older
2 than the student; or (c) the person is a foster parent who has, or
3 knowingly causes another person under the age of eighteen to have,
4 sexual intercourse with his or her foster child who is at least
5 sixteen.

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

8 (3) For the purposes of this section(~~(7)~~):

9 (a) "Enrolled student" means any student enrolled at or attending
10 a program hosted or sponsored by a common school as defined in RCW
11 28A.150.020, or a student enrolled at or attending a program hosted or
12 sponsored by a private school under chapter 28A.195 RCW, or any person
13 who receives home-based instruction under chapter 28A.200 RCW.

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

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

20 (1) A person is guilty of sexual misconduct with a minor in the
21 second degree when: (a) The person has, or knowingly causes another
22 person under the age of eighteen to have, sexual contact with another
23 person who is at least sixteen years old but less than eighteen years
24 old and not married to the perpetrator, if the perpetrator is at least
25 sixty months older than the victim, is in a significant relationship to
26 the victim, and abuses a supervisory position within that relationship
27 in order to engage in or cause another person under the age of eighteen
28 to engage in sexual contact with the victim; (b) the person is a school
29 employee who has, or knowingly causes another person under the age of
30 eighteen to have, sexual contact with (~~(a registered)~~) an enrolled
31 student of the school who is at least sixteen years old and not more
32 than twenty-one years old and not married to the employee, if the
33 employee is at least sixty months older than the student; or (c) the
34 person is a foster parent who has, or knowingly causes another person
35 under the age of eighteen to have, sexual contact with his or her
36 foster child who is at least sixteen.

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

3 (3) For the purposes of this section((7)):

4 (a) "Enrolled student" means any student enrolled at or attending
5 a program hosted or sponsored by a common school as defined in RCW
6 28A.150.020, or a student enrolled at or attending a program hosted or
7 sponsored by a private school under chapter 28A.195 RCW, or any person
8 who receives home-based instruction under chapter 28A.200 RCW.

9 (b) "School employee" means an employee of a common school defined
10 in RCW 28A.150.020, or a grade kindergarten through twelve employee of
11 a private school under chapter 28A.195 RCW, who is not enrolled as a
12 student of the common school or private school.

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