
SENATE BILL 5232

State of Washington

61st Legislature

2009 Regular Session

By Senators Delvin, Holmquist, Hewitt, Schoesler, Carrell, King, Swecker, Pflug, Shin, Kastama, Benton, Kohl-Welles, and Roach

Read first time 01/16/09. Referred to Committee on Judiciary.

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

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 student of the school who is at least sixteen years
19 old and not more than twenty-one years old and not married to the

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

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

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

12 (4) A mandatory minimum of not less than five years of total
13 confinement shall be imposed for a violation of subsection (1)(b) of
14 this section.

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

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

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

36 (3) For the purposes of this section, "school employee" means an
37 employee of a common school defined in RCW 28A.150.020, or a grade

1 kindergarten through twelve employee of a private school under chapter
2 28A.195 RCW, who is not enrolled as a student of the common school or
3 private school.

4 (4) A mandatory minimum of not less than one year of total
5 confinement shall be imposed for a violation of subsection (1)(b) of
6 this section.

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