

HOUSE BILL REPORT

SHB 1397

As Passed House:
March 4, 2013

Title: An act relating to adding a requirement to sexual health education to include legal elements of and consequences of conviction for sexual offenses where a minor is the victim.

Brief Description: Adding a requirement to sexual health education to include elements of and consequences for conviction of sexual offenses where the victim is a minor.

Sponsors: House Committee on Education (originally sponsored by Representatives Orcutt, Santos, Dahlquist, Pike, Vick, Haler, Hargrove, Buys, Magendanz and Bergquist).

Brief History:

Committee Activity:

Education: 2/7/13, 2/8/13, 2/14/13, 2/21/13 [DPS].

Floor Activity:

Passed House: 3/4/13, 94-4.

Brief Summary of Substitute Bill

- Requires that public schools that offer sexual health education include information about the legal elements of sex offenses where a minor is a victim, the consequences upon conviction, and other information regarding sex offenses.
- Tasks the Washington Coalition of Sexual Assault Programs (Coalition), in consultation with others, to include information about the legal elements of sex offenses where a minor is a victim, the consequences upon conviction, and sex offender registration in the educational materials they prepare.
- Directs that these educational materials be provided to school districts and students.
- Encourages public schools that offer sexual health education to incorporate the educational materials provided by the Coalition.

HOUSE COMMITTEE ON EDUCATION

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 21 members: Representatives Santos, Chair; Stonier, Vice Chair; Dahlquist, Ranking Minority Member; Magendanz, Assistant Ranking Minority Member; Bergquist, Fagan, Haigh, Hargrove, Hawkins, Hayes, Hunt, Klippert, Lytton, Maxwell, McCoy, Orwall, Parker, Pike, Pollet, Seaquist and Warnick.

Staff: Luke Wickham (786-7146).

Background:

January 2005 Guidelines for Sexual Health Information and Diseases Prevention.

The January 2005 Guidelines for Sexual Health Information and Diseases Prevention (Guidelines) were developed by the Office of the Superintendent of Public Instruction (OSPI) and the Department of Health in response to a bipartisan request from 41 state legislators. They provide a framework for medically and scientifically accurate sexual health education for Washington youth. The Guidelines list components of evidence-based and effective education programs. For younger youth, the Guidelines suggest developing healthy self-esteem, positive body image, good self-care, effective communication skills, respect for others, caring for family and friends, and a responsibility to communicate. As youth mature, the guidelines suggest awareness of health exams, abstinence, and contraception.

Sexual Health Education.

Public schools are not required to provide sexual health education, but those that do must assure that it is:

- medically and scientifically accurate;
- age-appropriate;
- appropriate for students regardless of gender, race, disability status, or sexual orientation;
- inclusive of information about abstinence and other methods of preventing unintended pregnancy and sexually transmitted diseases, though abstinence may not be taught to the exclusion of instruction on contraceptives and disease prevention; and
- consistent with the Guidelines.

The OSPI is required to develop and annually update a list of sexual health education curricula consistent with the Guidelines. Public schools that offer sexual health education are encouraged to choose curriculum listed by the OSPI, but may develop their own curriculum if it complies with the Guidelines.

The OSPI is required to identify sexual health curricula used and report the results of their inquiry to the Legislature every two years.

Sex Offenses (Chapter 9A.44 RCW).

The criminal code includes sexual offenses which are crimes whether or not the victim is a minor, and some which are crimes because the victim is a minor.

Rape 1	Sexual intercourse by forcible compulsion when perpetrator uses a deadly weapon, kidnaps, inflicts serious physical injury, or feloniously enters building or vehicle.
Rape 2	Sexual intercourse by forcible compulsion under circumstances not constituting Rape 1, where the victim is incapable of consent, victim is a person with a developmental disability, perpetrator is health care provider, victim is resident of mental or chemical dependency facility, or victim is frail elder.
Rape 3	Sexual intercourse with clear lack of consent.
Rape of a Child 1	Sexual intercourse with a child who is less than 12 years old and perpetrator is at least 24 months older.
Rape of a Child 2	Sexual intercourse with a child who is at least 12 years old, but less than 14, and the perpetrator is at least 36 months older.
Rape of a Child 3	Sexual intercourse with a child who is at least 14 years old but less than 16, and the perpetrator is at least 48 months older.
Child Molestation 1	Sexual contact with a child less than 12 years old, and the perpetrator is at least 36 months older.
Child Molestation 2	Sexual contact with a child who is at least 12 years old, but less than 14, and the perpetrator is at least 36 months older.
Child Molestation 3	Sexual contact with a child who is at least 14 years old, but less than 16, and the perpetrator is at least 48 months older.
Sexual Misconduct with a Minor 1	Sexual intercourse with a child who is at least 16 years old, but less than 18, and the perpetrator is at least 60 months older and abuses a supervisory position.
Sexual Misconduct with a Minor 2	Sexual contact with a child who is at least 16 years old, but less than 18, and the perpetrator is at least 60 months older and abuses a supervisory position.
Indecent Liberties	Sexual contact by forcible compulsion where the victim is incapable of consent.

In addition to sentences following convictions or guilty pleas to these crimes, any adult or juvenile found to have committed a sex offense must register with the county sheriff in the county of the person's residence. There are also various other reporting requirements and potentially severe career consequences.

Educational Materials Regarding Sex Offenses, Sex Offenders, and Victims of Sexual Assault.

In 2006 the Legislature required that the Washington Coalition of Sexual Assault Programs (Coalition), in consultation with the Washington Association of Sheriffs and Police Chiefs (WASPC), the Washington Association of Prosecuting Attorneys (WAPA), and the OSPI develop education materials to inform parents and community members about:

- the laws related to sex offenses;

- how to recognize behaviors characteristic of sex offenses and sex offenders;
- how to prevent victimization, particularly of young children;
- how to take advantage of community resources for victims of sexual assault; and
- other appropriate information.

Summary of Substitute Bill:

Information related to the legal elements of sex offenses where a minor is a victim, the consequences upon conviction, and sex offender registration must be added to the educational materials prepared by the Coalition, the WASPC, the WAPA, and the OSPI. By September 1, 2014, and biennially thereafter, the Coalition and the others must review and update the educational materials to make sure that they remain current, accurate, and age appropriate.

Every public school that offers sexual health education must assure that sexual health education complies with the Guidelines and attempt to achieve the objective, take responsibility for and understand the consequences of behavior, and avoid exploitive or manipulative relationships. This education should include age appropriate information about the legal elements of sex offenses where a minor is a victim and the consequences of conviction. It is also encouraged to include the materials developed by the Coalition and others.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The impetus for this bill was hearing that a 19 year-old man had sex with his 15 year-old girlfriend and was convicted of a sex offense. After conviction, he stated that he would not have done this if he knew that what he did was a crime. This bill takes away the excuse that someone did not know their sexual activity with a minor was a criminal act. Hopefully, this bill can prevent victimization for other 15 year-olds and conviction for other 19 year-olds. The aim of this bill is to help inform teenagers about sex offense laws. There could be a huge cost savings because people will not end up on the sex offender registry. This bill does not require schools to offer sexual health education.

(Opposed) None.

Persons Testifying: Representative Orcutt, prime sponsor; and Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs.

Persons Signed In To Testify But Not Testifying: None.