

HOUSE BILL ANALYSIS

HB 2712

Brief Description: Changing the elements of the crime of sexual misconduct with a minor.

Sponsors: Representatives Lambert and Lovick.

Hearing: February 1, 2000

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

BACKGROUND:

Sexual misconduct with a minor is committed if the victim is 16 or 17 years old and the perpetrator is at least five years older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship to engage in sexual intercourse (first degree) or sexual contact (second degree) with the victim. The crime is also committed if the perpetrator causes the minor to have sexual intercourse or sexual contact with another minor. The crimes do not apply if the child and the perpetrator are married.

Sexual misconduct with a minor in the first degree is a class C felony, ranked at seriousness level V, and in the second degree is a gross misdemeanor.

The term "significant relationship" as it applies in this context means a situation in which the perpetrator is a person who is responsible for providing education, health, welfare, or organized recreational activities for minors, or who supervises minors in the course of his or her employment.

The term "abuse of a supervisory position" means a direct or indirect threat or promise to use authority to the detriment or benefit of a minor.

SUMMARY OF BILL:

The crime of first or second degree sexual misconduct of a minor is committed even if the perpetrator does not abuse a supervisory position in his or her relationship with the minor. The other elements of the crime remain the same, including the requirement that the perpetrator be in a significant relationship to the victim.

FISCAL NOTE: Received on January 28, 2000.

EFFECTIVE DATE: Ninety days after adjournment of a session in which bill is passed.