

# SENATE BILL REPORT

## ESHB 2712

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As Reported By Senate Committee On:  
Judiciary, February 25, 2000

**Title:** An act relating to sexual misconduct with a minor.

**Brief Description:** Changing sexual misconduct laws with regard to school employees.

**Sponsors:** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lambert, Lovick, Rockefeller, Woods, Haigh, Cox, Ruderman and Fortunato).

**Brief History:**

**Committee Activity:** Judiciary: 2/18/2000, 2/25/2000 [DP, DNP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Costa, Goings, Hargrove, Johnson, Long, McCaslin, Roach and Zarelli.

**Minority Report:** Do not pass.

Signed by Senator Heavey, Chair.

**Staff:** Aldo Melchiori (786-7439)

**Background:** Sexual misconduct with a minor is committed if the victim is 16 or 17 years old and the offender 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 activity with the victim. The crime is also committed if the perpetrator causes the minor to have sexual intercourse or sexual contact with another minor. It is not a crime if the participants are married.

If the activity is sexual intercourse, it is sexual misconduct in the first degree, a class C felony, ranked at level V on the sentencing grid. If the activity is sexual contact, it is a gross misdemeanor.

**Summary of Bill:** The age differential between a school employee and a student and the abuse of a supervisory position are removed as elements of sexual misconduct with a minor. For public and private school employees having a significant relationship with a student, the crime of sexual misconduct with a minor is committed if the student is 16 or 17 years old and the school employee has, or knowingly causes another minor to have, sexual intercourse or sexual contact with the student.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Sexual contact between school employees and students is never acceptable. Many of these offenders do not use threats or rewards, they "groom" the students over a period of time. Since abuse of a supervisory position is required now, the present law does not prohibit sexual contact resulting from these grooming activities.

**Testimony Against:** None.

**Testified:** PRO: Representative Lambert; Dan Satterberg, King County Prosecuting Attorney.