

Criminal Justice & Corrections

HB 1091

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

Sponsors: *Representatives Lambert, H. Sommers, Miloscia, Cairnes, Schindler, Talcott and Mielke.*

Brief Summary of Bill

- *Changes the elements of first and second degree sexual misconduct with a minor as it applies in the case of school employees and students.*

Hearing Date: *1/29/01*

Staff: *Jean Ann Quinn (786-7310).*

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. It is not a crime 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:

With respect to a relationship between a school employee and 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 (first degree) or sexual contact (second degree) with the student. Thus, the age differential between the employee and the student, and the abuse of a supervisory position are no longer elements of the crime. The term "school employee" is defined to mean an employee of a public or private school, grades kindergarten through 12.

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

Appropriation: *None.*

Fiscal Note: *Requested on January 25, 2001.*