
HOUSE BILL 1091

State of Washington

57th Legislature

2001 Regular Session

By Representatives Lambert, H. Sommers, Miloscia, Cairnes, Schindler, Talcott and Mielke

Read first time 01/16/2001. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to sexual misconduct with a minor; amending RCW
2 9A.44.093 and 9A.44.096; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9A.44.093 and 1994 c 271 s 306 are each amended to
5 read as follows:

6 (1)(a) Except as provided in (b) of this subsection, a person is
7 guilty of sexual misconduct with a minor in the first degree when the
8 person has, or knowingly causes another person under the age of
9 eighteen to have, sexual intercourse with another person who is at
10 least sixteen years old but less than eighteen years old and not
11 married to the perpetrator, if the perpetrator is at least sixty months
12 older than the victim, is in a significant relationship to the victim,
13 other than a relationship between a school employee and a student, and
14 abuses a supervisory position within that relationship in order to
15 engage in or cause another person under the age of eighteen to engage
16 in sexual intercourse with the victim.

17 (b) In the case of a significant relationship involving a school
18 employee and a student, the employee is guilty of sexual misconduct
19 with a minor in the first degree when the employee has, or knowingly

1 causes another person under the age of eighteen to have, sexual
2 intercourse with the student if the student is at least sixteen years
3 old but less than eighteen years old and not married to the employee.

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

6 (3) For the purposes of this section, "school employee" means an
7 employee of a common school defined in RCW 28A.150.020 or a grade
8 kindergarten through twelve employee of a private school under chapter
9 28A.195 RCW.

10 **Sec. 2.** RCW 9A.44.096 and 1994 c 271 s 307 are each amended to
11 read as follows:

12 (1)(a) Except as provided in (b) of this subsection, a person is
13 guilty of sexual misconduct with a minor in the second degree when the
14 person has, or knowingly causes another person under the age of
15 eighteen to have, sexual contact with another person who is at least
16 sixteen years old but less than eighteen years old and not married to
17 the perpetrator, if the perpetrator is at least sixty months older than
18 the victim, is in a significant relationship to the victim, other than
19 a relationship between a school employee and a student, and abuses a
20 supervisory position within that relationship in order to engage in or
21 cause another person under the age of eighteen to engage in sexual
22 contact with the victim.

23 (b) In the case of a significant relationship involving a school
24 employee and a student, the employee is guilty of sexual misconduct
25 with a minor in the second degree when the employee has, or knowingly
26 causes another person under the age of eighteen to have, sexual contact
27 with the student if the student is at least sixteen years old but less
28 than eighteen years old and not married to the employee.

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

31 (3) For the purposes of this section, "school employee" means an
32 employee of a common school defined in RCW 28A.150.020 or a grade
33 kindergarten through twelve employee of a private school under chapter
34 28A.195 RCW.

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