

VETO MESSAGE ON HB 1091-S

May 15, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 1091 entitled:

"AN ACT Relating to sexual misconduct with a minor;"

Substitute House Bill No. 1091 would have made it a felony for any school employee to engage in sexual conduct with a student between 16 and 18 years old. Such conduct is already a felony if the perpetrator is at least five years older and abuses a supervisory position, such as that of a teacher or coach, by making threats or promises to the victim. The bill was intended to remove the requirement that threats or promises be made.

However, the bill is overly broad. It would allow felony prosecution even if both parties were teenagers, as long as one of them is a school employee. The term "employee" could include a student who is a part-time tutor, food service or maintenance worker. For example, there are high school students who are Washington Reading Corps tutors and are paid by their local school districts. Those students could be subject to prosecution if they have consensual sex with a classmate of approximately the same age. Such a person could be imprisoned and required to register as a sex offender after release.

I do not condone sexual activity among teenagers, but this bill is simply too broad.

As a legislator, I worked to strengthen our laws dealing with sex offenses against minors. This bill should be written to permit prosecution only of those 18 years or older and who are not students in the same school. Accordingly, I have forwarded suggested legislation to the prime sponsor of this bill.

For these reasons I have vetoed Substitute House Bill No. 1091 in its entirety.

Respectfully submitted,
Gary Locke
Governor