

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1385

Chapter 324, Laws of 2009

61st Legislature
2009 Regular Session

SEXUAL MISCONDUCT--SCHOOL EMPLOYEES

EFFECTIVE DATE: 07/26/09

Passed by the House April 21, 2009
Yeas 82 Nays 16

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 17, 2009
Yeas 44 Nays 0

BRAD OWEN

President of the Senate

Approved May 4, 2009, 4:42 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1385** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 5, 2009

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1385

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington **61st Legislature** **2009 Regular Session**

By Representatives Haler, VanDeWege, Kessler, Pearson, Takko, Klippert, Blake, Morrell, Dammeier, Warnick, Smith, and Johnson

Read first time 01/20/09. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to sexual misconduct by school employees; and
2 amending RCW 9A.44.093 and 9A.44.096.

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

4 **Sec. 1.** RCW 9A.44.093 and 2005 c 262 s 2 are each amended to read
5 as follows:

6 (1) A person is guilty of sexual misconduct with a minor in the
7 first degree when: (a) The person has, or knowingly causes another
8 person under the age of eighteen to have, sexual intercourse with
9 another person who is at least sixteen years old but less than eighteen
10 years old and not married to the perpetrator, if the perpetrator is at
11 least sixty months older than the victim, is in a significant
12 relationship to the victim, and abuses a supervisory position within
13 that relationship in order to engage in or cause another person under
14 the age of eighteen to engage in sexual intercourse with the victim;
15 (b) the person is a school employee who has, or knowingly causes
16 another person under the age of eighteen to have, sexual intercourse
17 with (~~a registered~~) an enrolled student of the school who is at least
18 sixteen years old and not more than twenty-one years old and not
19 married to the employee, if the employee is at least sixty months older

1 than the student; or (c) the person is a foster parent who has, or
2 knowingly causes another person under the age of eighteen to have,
3 sexual intercourse with his or her foster child who is at least
4 sixteen.

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

7 (3) For the purposes of this section(~~(7)~~):

8 (a) "Enrolled student" means any student enrolled at or attending
9 a program hosted or sponsored by a common school as defined in RCW
10 28A.150.020, or a student enrolled at or attending a program hosted or
11 sponsored by a private school under chapter 28A.195 RCW, or any person
12 who receives home-based instruction under chapter 28A.200 RCW.

13 (b) "School employee" means an employee of a common school defined
14 in RCW 28A.150.020, or a grade kindergarten through twelve employee of
15 a private school under chapter 28A.195 RCW, who is not enrolled as a
16 student of the common school or private school.

17 **Sec. 2.** RCW 9A.44.096 and 2005 c 262 s 3 are each amended to read
18 as follows:

19 (1) A person is guilty of sexual misconduct with a minor in the
20 second degree when: (a) The person has, or knowingly causes another
21 person under the age of eighteen to have, sexual contact with another
22 person who is at least sixteen years old but less than eighteen years
23 old and not married to the perpetrator, if the perpetrator is at least
24 sixty months older than the victim, is in a significant relationship to
25 the victim, and abuses a supervisory position within that relationship
26 in order to engage in or cause another person under the age of eighteen
27 to engage in sexual contact with the victim; (b) the person is a school
28 employee who has, or knowingly causes another person under the age of
29 eighteen to have, sexual contact with (~~(a-registered)~~) an enrolled
30 student of the school who is at least sixteen years old and not more
31 than twenty-one years old and not married to the employee, if the
32 employee is at least sixty months older than the student; or (c) the
33 person is a foster parent who has, or knowingly causes another person
34 under the age of eighteen to have, sexual contact with his or her
35 foster child who is at least sixteen.

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

1 (3) For the purposes of this section((7)):

2 (a) "Enrolled student" means any student enrolled at or attending
3 a program hosted or sponsored by a common school as defined in RCW
4 28A.150.020, or a student enrolled at or attending a program hosted or
5 sponsored by a private school under chapter 28A.195 RCW, or any person
6 who receives home-based instruction under chapter 28A.200 RCW.

7 (b) "School employee" means an employee of a common school defined
8 in RCW 28A.150.020, or a grade kindergarten through twelve employee of
9 a private school under chapter 28A.195 RCW, who is not enrolled as a
10 student of the common school or private school.

Passed by the House April 21, 2009.

Passed by the Senate April 17, 2009.

Approved by the Governor May 4, 2009.

Filed in Office of Secretary of State May 5, 2009.