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**SUBSTITUTE HOUSE BILL 2712**

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**State of Washington**

**56th Legislature**

**2000 Regular Session**

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

Read first time 02/04/2000. Referred to Committee on .

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 K-12 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 K-12  
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 **Sec. 2.** RCW 9A.44.096 and 1994 c 271 s 307 are each amended to  
7 read as follows:

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

19 (b) In the case of a significant relationship involving a K-12  
20 employee and a student, the employee is guilty of sexual misconduct  
21 with a minor in the second degree when the employee has, or knowingly  
22 causes another person under the age of eighteen to have, sexual contact  
23 with the student if the student is at least sixteen years old but less  
24 than eighteen years old and not married to the employee.

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

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