

HOUSE BILL REPORT

HB 2262

As Passed House:

June 4, 2001

Title: An act relating to sexual misconduct with a minor.

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

Sponsors: By Representatives Lambert, H. Sommers, Talcott and Kessler.

Brief History:

First Special Session

Floor Activity:

Passed House: 5/21/01, 91-0.

Second Special Session

Floor Activity:

Passed House - Amended: 6/4/01, 89-0.

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.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority/Minority Report: None.

Staff: Yvonne Walker (786-7841).

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 (sexual misconduct in the first degree) or sexual contact (sexual misconduct in the 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 seriousness level V, class C felony offense. Sexual misconduct with a minor 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:

The crime of sexual misconduct with a minor is also committed if a school employee at least has, or knowingly causes a minor to have, sexual intercourse (sexual misconduct in the first degree) with a registered student of the school who is at least 16 years old and not married to the school employee. In addition, the school employee must be at least 5 years older than the student. The term "school employee" is defined to mean an employee of a public or private school, grades kindergarten through 12, who is not enrolled as a student of the public or private school.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: None.

Testimony Against: None.

Testified: None.