

1091-S

Sponsor(s): House Committee on Criminal Justice & Corrections
(originally sponsored by Representatives Lambert, H. Sommers,
Miloscia, Cairnes, Schindler, Talcott and Mielke)

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

HB 1091-S - DIGEST

(DIGEST AS PASSED LEGISLATURE)

Provides that a person is guilty of sexual misconduct with a
minor in the first degree when the person is a school employee and
has, or knowingly causes another person under the age of eighteen
to have, sexual intercourse with a registered student of the school
who is at least sixteen years old and not married to the employee.

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