
HOUSE BILL 2754

State of Washington

58th Legislature

2004 Regular Session

By Representatives Linville and Rockefeller

Read first time 01/20/2004. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to preventing the sexual abuse of children by
2 custodians; amending RCW 9A.44.093 and 9A.44.096; and prescribing
3 penalties.

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

5 **Sec. 1.** RCW 9A.44.093 and 2001 2nd sp.s. c 12 s 357 are each
6 amended to read as follows:

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

1 months older than the student; or (c) the person: (i) Is a custodian
2 of a victim at least sixteen years old but under eighteen years old;
3 (ii) has, or knowingly causes another person under the age of eighteen
4 to have, sexual intercourse with the victim; (iii) is not married to
5 the victim; and (iv) is at least sixty months older than the victim.

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

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

9 (a) "Custodian of a victim" means a person who:

10 (i) Operates, is employed by, or is a volunteer for an entity that:

11 (A) Meets the definition of agency under RCW 74.15.020(1) (a)
12 through (1); and

13 (B) Has custody of the victim;

14 (ii) Is a legal guardian to the victim; or

15 (iii) Has been granted legal custody of the victim in any other
16 manner.

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

21 **Sec. 2.** RCW 9A.44.096 and 2001 2nd sp.s. c 12 s 358 are each
22 amended to read as follows:

23 (1) A person is guilty of sexual misconduct with a minor in the
24 second degree when: (a) The person has, or knowingly causes another
25 person under the age of eighteen to have, sexual contact with another
26 person who is at least sixteen years old but less than eighteen years
27 old and not married to the perpetrator, if the perpetrator is at least
28 sixty months older than the victim, is in a significant relationship to
29 the victim, and abuses a supervisory position within that relationship
30 in order to engage in or cause another person under the age of eighteen
31 to engage in sexual contact with the victim; ((~~or~~)) (b) the person is
32 a school employee who has, or knowingly causes another person under the
33 age of eighteen to have, sexual contact with a registered student of
34 the school who is at least sixteen years old and not married to the
35 employee, if the employee is at least sixty months older than the
36 student; or (c) the person: (i) Is a custodian of a victim at least
37 sixteen years old but under eighteen years old; (ii) has, or knowingly

1 causes another person under the age of eighteen to have, sexual contact
2 with the victim; (iii) is not married to the victim; and (iv) is at
3 least sixty months older than the victim.

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

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

7 (a) "Custodian of a victim" means a person who:

8 (i) Operates, is employed by, or is a volunteer for an entity that:

9 (A) Meets the definition of agency under RCW 74.15.020(1) (a)
10 through (1); and

11 (B) Has custody of the victim;

12 (ii) Is a legal guardian to the victim; or

13 (iii) Has been granted legal custody of the victim in any other
14 manner.

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

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