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**Public Safety & Emergency  
Preparedness Committee**

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**SB 6358**

**Brief Description:** Adding child care providers, volunteers, and employees to the definition of "predatory" perpetrators for the purposes of filing a special allegation.

**Sponsors:** Senators Regala, Stevens, Hargrove, Marr, Roach, Kohl-Welles and Kilmer.

**Brief Summary of Bill**

- Imposes 25-year minimum sentences for a child care or early learning provider who commits Rape of a Child in the first or second degree or Child Molestation in the first degree against a child in the care of the provider's agency.

**Hearing Date:** 2/25/08

**Staff:** Jim Morishima (786-7191).

**Background:**

A person is guilty of Rape of a Child in the first degree if he or she: (a) has sexual intercourse with a child under the age of 12; and (b) is at least two years older than the victim. Rape of a Child in the first degree is a class A felony with a seriousness level of XII.

A person is guilty of Rape of a Child in the second degree if he or she: (a) has sexual intercourse with a 12 or 13-year old child; and (b) is at least three years older than the victim. Rape of a Child in the second degree is a class A felony with a seriousness level of XI.

A person is guilty of Child Molestation in the first degree if he or she: (a) has sexual contact (as opposed to intercourse) with a child under the age of 12; and (b) is at least three years older than the victim. Child Molestation in the first degree is a class A felony with a seriousness level of X.

An offender convicted of Rape of a Child in the first or second degree or Child Molestation in the first degree will receive a "determinate plus" sentence. Determinate plus offenders receive a minimum term and a maximum term. The Indeterminate Sentence Review Board (ISRB) must

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evaluate each determinate-plus offender prior to the expiration of his or her minimum term. The ISRB must order the release of the offender upon expiration of the minimum term unless the ISRB finds that the offender is likelier than not to commit another sex offense if released. If the ISRB does not release the offender, it must re-evaluate the offender at least once every five years up to the offender's maximum term.

The maximum term for an offender convicted of Rape of a Child in the first or second degree or Child Molestation in the first degree is life. The minimum term is generally equal to the standard range for the offense. However, the minimum term is 25 years if the offense was "predatory," which means:

- the perpetrator was a stranger to the victim (unknown to the victim 24 hours prior to the offense);
- the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization was a significant reason the relationship was established;
- the perpetrator was a teacher, counselor, volunteer, or other person in authority and the victim was a student of the school under his or her authority or supervision;
- the perpetrator was a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in that activity under his or her authority or supervision; or
- the perpetrator was a pastor, elder, volunteer, or other person in authority in any church or religious organization and the victim was a member or participant of the organization under his or her authority.

**Summary of Bill:**

The definition of "predatory" for purposes of imposing 25-year minimum sentences is expanded to include situations in which the perpetrator is a child care or early learning provider and the child was in the care of the provider's agency.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.