

EHB 1385 - S AMD 282

By Senators Kline, Delvin

ADOPTED 04/17/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9A.44.093 and 2005 c 262 s 2 are each amended to read
4 as follows:

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

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

25 (3) For the purposes of this section(~~(7)~~):

26 (a) "Enrolled student" means any student enrolled at or attending
27 a program hosted or sponsored by a common school as defined in RCW
28 28A.150.020, or a student enrolled at or attending a program hosted or
29 sponsored by a private school under chapter 28A.195 RCW, or any person
30 who receives home-based instruction under chapter 28A.200 RCW.

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

5 **Sec. 2.** RCW 9A.44.096 and 2005 c 262 s 3 are each amended to read
6 as follows:

7 (1) A person is guilty of sexual misconduct with a minor in the
8 second degree when: (a) The person has, or knowingly causes another
9 person under the age of eighteen to have, sexual contact with another
10 person who is at least sixteen years old but less than eighteen years
11 old and not married to the perpetrator, if the perpetrator is at least
12 sixty months older than the victim, is in a significant relationship to
13 the victim, and abuses a supervisory position within that relationship
14 in order to engage in or cause another person under the age of eighteen
15 to engage in sexual contact with the victim; (b) the person is a school
16 employee who has, or knowingly causes another person under the age of
17 eighteen to have, sexual contact with ~~((a—registered))~~ an enrolled
18 student of the school who is at least sixteen years old and not more
19 than twenty-one years old and not married to the employee, if the
20 employee is at least sixty months older than the student; or (c) the
21 person is a foster parent who has, or knowingly causes another person
22 under the age of eighteen to have, sexual contact with his or her
23 foster child who is at least sixteen.

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

26 (3) For the purposes of this section~~((7))~~:

27 (a) "Enrolled student" means any student enrolled at or attending
28 a program hosted or sponsored by a common school as defined in RCW
29 28A.150.020, or a student enrolled at or attending a program hosted or
30 sponsored by a private school under chapter 28A.195 RCW, or any person
31 who receives home-based instruction under chapter 28A.200 RCW.

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

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1 On page 1, line 1 of the title, after "employees;" strike the
2 remainder of the title and insert "and amending RCW 9A.44.093 and
3 9A.44.096."

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