

# SENATE BILL REPORT

## SHB 1397

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As of March 22, 2013

**Title:** An act relating to adding a requirement to sexual health education to include legal elements of and consequences of conviction for sexual offenses where a minor is the victim.

**Brief Description:** Adding a requirement to sexual health education to include elements of and consequences for conviction of sexual offenses where the victim is a minor.

**Sponsors:** House Committee on Education (originally sponsored by Representatives Orcutt, Santos, Dahlquist, Pike, Vick, Haler, Hargrove, Buys, Magendanz and Bergquist).

**Brief History:** Passed House: 3/04/13, 94-4.

**Committee Activity:** Early Learning & K-12 Education: 3/22/13.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Staff:** Katherine Taylor (786-7434)

**Background:** January 2005 Guidelines for Sexual Health Information and Diseases Prevention. The January 2005 Guidelines for Sexual Health Information and Diseases Prevention (Guidelines) were developed by the Office of Superintendent of Public Instruction (OSPI) and the Department of Health in response to a bipartisan request from 41 state legislators. The guidelines provide a framework for medically and scientifically accurate sexual health education for Washington youth. The Guidelines list components of evidence-based, effective education programs. For younger youth, the Guidelines suggest developing healthy self-esteem, positive body image, good self-care, effective communication skills, respect for others, caring for family and friends, and a responsibility to communicate. As youth mature, the guidelines suggest awareness of health exams, abstinence, and contraception.

Sexual Health Education. Public schools are not required to provide sexual health education, but those that do must assure that it:

- is medically and scientifically accurate;
- is age appropriate;
- is appropriate for students regardless of gender, race, disability status, or sexual orientation;

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- is inclusive of information about abstinence and other methods of preventing unintended pregnancy and sexually transmitted diseases, though abstinence may not be taught to the exclusion of instruction on contraceptives and disease prevention; and
- is consistent with the Guidelines.

OSPI must develop and annually update a list of sexual health education curricula consistent with the Guidelines. Public schools that offer sexual health education are encouraged to choose curriculum listed by OSPI, but may develop their own curriculum if it complies with the Guidelines.

OSPI must identify sexual health curricula used and report the results of their inquiry to the Legislature every two years.

Sex Offenses – Chapter 9A.44 RCW. The criminal code includes sexual offenses that are crimes whether or not the victim is a minor, and some that are crimes because the victim is a minor.

Rape 1	Sexual intercourse by forcible compulsion when perpetrator uses a deadly weapon, kidnaps, inflicts serious physical injury, or feloniously enters a building or vehicle.
Rape 2	Sexual intercourse by forcible compulsion under circumstances not constituting Rape 1, where the victim is incapable of consent, the victim is a person with a developmental disability, the perpetrator is health care provider, the victim is resident of a mental or chemical dependency facility, or the victim is a frail elder.
Rape 3	Sexual intercourse with a clear lack of consent.
Rape of a Child 1	Sexual intercourse with a child who is less than 12 years old and the perpetrator is at least 24 months older.
Rape of a Child 2	Sexual intercourse with a child who is at least 12 years old, but less than 14, and the perpetrator is at least 36 months older.
Rape of a Child 3	Sexual intercourse with a child who is at least 14 years old but less than 16, and the perpetrator is at least 48 months older.
Child Molestation 1	Sexual contact with a child less than 12 years old, and the perpetrator is at least 36 months older.
Child Molestation 2	Sexual contact with a child who is at least 12 years old, but less than 14, and the perpetrator is at least 36 months older.
Child Molestation 3	Sexual contact with a child who is at least 14 years old, but less than 16, and the perpetrator is at least 48 months older.
Sexual Misconduct with a Minor 1	Sexual intercourse with a child who is at least 16 years old, but less than 18, and the perpetrator is at least 60 months older and abuses a supervisory position.
Sexual Misconduct with a Minor 2	Sexual contact with a child who is at least 16 years old, but less than 18, and the perpetrator is at least 60 months older and abuses a supervisory position.
Indecent Liberties	Sexual contact by forcible compulsion where the victim is incapable of consent.

In addition to sentences following convictions or guilty pleas to these crimes, any adult or juvenile found to have committed a sex offense must register with the county sheriff in the county of the person's residence. There are also various other reporting requirements and potentially severe career consequences.

Educational Materials Regarding Sex Offenses, Sex Offenders, and Victims of Sexual Assault. In 2006, the Legislature required that the Washington Coalition of Sexual Assault Programs (Coalition), in consultation with the Washington Association of Sheriffs and Police Chiefs (WASPC), the Washington Association of Prosecuting Attorneys (WAPA), and OSPI, develop education materials to inform parents and community members about:

- the laws related to sex offenses;
- how to recognize behaviors characteristic of sex offenses and sex offenders;
- how to prevent victimization, particularly of young children;
- how to take advantage of community resources for victims of sexual assault; and
- other appropriate information.

**Summary of Bill:** Information related to the legal elements of sex offenses where a minor is a victim, the consequences upon conviction and sex offender registration must be added to the educational materials prepared by the Coalition, WASPC, WAPA, and OSPI. By September 1, 2014, and biennially thereafter, the Coalition and the others must review and update the educational materials to make sure that they remain current, accurate, and age appropriate.

Every public school that offers sexual health education must guarantee that sexual health education complies with the Guidelines and attempts to achieve certain objectives regarding responsibility and exploitive relationships. This education should include age-appropriate information about the legal elements of sex offenses where a minor is a victim and the consequences of conviction. It is also encouraged to include the materials developed by the Coalition and others.

**Appropriation:** None.

**Fiscal Note:** Requested on March 19, 2013.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: This bill will change so many peoples' lives. This could stop people from being sex offenders for life. People need to be educated. This would be a great addition to our sexual education curriculum. A lot of people are in consensual relationships but do not know the law. Teens do not know the age of consent. If you are a sex offender, it is hard to get a job and get married. As parents, we want to protect our children. Kids need accurate information. The teen pregnancy rate is going down but there are pockets where younger kids are becoming sexually active sooner. An opportunity to inform kids on something that is life altering is valuable.

**Persons Testifying:** PRO: Lonnie Johns-Brown, WA Coalition of Sexual Assault Programs; Adin Welander, Morgan Young, Sophia Daley, Hawkins Middle School; Christyn Daley, Michael Young, citizens.