
ENGROSSED HOUSE BILL 2262

State of Washington 57th Legislature 2001 First Special Session

By Representatives Lambert, H. Sommers, Talcott and Kessler

Read first time . Referred to Committee on .

1 AN ACT Relating to sexual misconduct with a minor; amending RCW
2 9A.44.093 and 9A.44.096; and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.44.093 and 1994 c 271 s 306 are each amended to
5 read as follows:

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

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

3 (3) For the purposes of this section, "school employee" means an
4 employee of a common school defined in RCW 28A.150.020, or a grade
5 kindergarten through twelve employee of a private school under chapter
6 28A.195 RCW, who is not enrolled as a student of the common school or
7 private school.

8 **Sec. 2.** RCW 9A.44.096 and 1994 c 271 s 307 are each amended to
9 read as follows:

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

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

26 (3) For the purposes of this section, "school employee" means an
27 employee of a common school defined in RCW 28A.150.020, or a grade
28 kindergarten through twelve employee of a private school under chapter
29 28A.195 RCW, who is not enrolled as a student of the common school or
30 private school.

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