



2005 SENATE BILL 349

September 28, 2005 - Introduced by Senators LAZICH, A. LASEE, DARLING, LEIBHAM and BROWN, cosponsored by Representatives GUNDRUM, GUNDERSON, GARD, PETROWSKI, McCORMICK, SUDER, OWENS, MUSSER, KRAWCZYK, LEMAHIEU, HONADEL, HINES, WASSERMAN and KLEEFISCH. Referred to Committee on Judiciary, Corrections and Privacy.

1 **AN ACT** *to amend* 948.095 (title); and *to create* 948.095 (3) of the statutes;
2 **relating to:** sexual contact or sexual intercourse involving a 16- or
3 17-year-old and a person who works or interacts with him or her through the
4 person's occupation or a volunteer position and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law contains two prohibitions relating to engaging in sexual activity with a 16- or 17-year-old. First, if a school or school board employee or any other person who provides services to a school or a school board has sexual contact or sexual intercourse with a 16- or 17-year-old who is enrolled in that school or school district, the person is guilty of a Class H felony and may be fined up to \$10,000 or sentenced to a term of imprisonment of up to six years (which, if the sentence is for more than one year, consists of a term of confinement followed by a term of extended supervision) or both. Second, any person who has sexual intercourse with a 16- or 17-year-old is guilty of a Class A misdemeanor and may be fined up to \$10,000 or sentenced to a term of imprisonment of up to nine months or both.

This bill prohibits a person who engages in an occupation or participates in a volunteer position that requires him or her to work or interact directly with children (other than through a school) from having sexual contact or sexual intercourse with a 16- or 17-year-old with whom the person works or interacts through that occupation or volunteer position.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

