

HOUSE RESEARCH

Bill Summary

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Overview

This bill broadens the definition of “position of authority” to in the criminal sexual conduct statutes. Currently, felony penalties apply to an adult who has sexual contact with a 16 or 17 year old juvenile and the adult is in a position of authority over the juvenile. The bill extends the definition so that an adult who was recently (*ie*, within the past 12 months) in a position of authority over a 16 or 17 year is also subject to criminal penalties for having a sexual relationship with the juvenile.

The bill also extends the definition of position of authority to cases where an adult “assumed” authority over a victim. Currently, the provision only apply when the adult is “charged” with providing some parental obligation to the juvenile.

The bill also creates parallel new offenses in the 3rd and 4th degree criminal sexual conduct statutes for a person who works or volunteers at a school and has a sexual relationship with a student who the perpetrator came into contact with because of the perpetrator’s duties at the victim’s school. The perpetrator does not need to be in a position of authority for these offenses to apply. Like the broadened definition of position of authority discussed above, these offenses cover cases where the perpetrator no longer works or volunteers at the victim’s school but did so within the preceding 12 months. These offenses protect victims between the ages of 13 and 18. The perpetrator must be at least four years older than the victim.