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HOUSE JOINT RESOLUTION NO. 595

Offered January 9, 2013

Prefiled January 4, 2013

Directing the Virginia State Crime Commission to study the availability of penalties for sexual conduct between secondary school students over the age of 18 and teachers. Report.

Patron—Loupassi

Referred to Committee on Rules

WHEREAS, § 18.2-370.1 of the Code of Virginia punishes as a Class 6 felony the taking of indecent liberties with a minor under the age of 18 by a person who maintains a custodial or supervisory relationship over the child and who is not married to the child, and this section is used to prosecute teachers and other school personnel who maintain such a custodial or supervisory relationship over their students and who take indecent liberties with such students; and

WHEREAS, numerous students who have reached their eighteenth birthdays attend secondary schools in the Commonwealth, and teachers and other school personnel in such secondary schools maintain the same custodial or supervisory relationship over students 18 years of age or older as they do over students under the age of 18; and

WHEREAS, the provisions of § 18.2-370.1 apply only to minors, and there is no criminal penalty for teachers or other school personnel engaging in sexual conduct with students 18 years of age or older; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study the availability of penalties for sexual conduct between secondary school students 18 years of age and older and teachers. The study shall identify the reasons why sexual conduct between teachers or other school personnel who maintain a custodial or supervisory relationship over students and students under the age of 18 is subject to criminal penalties while the same conduct with students 18 years of age or older is not.

In conducting its study, the Virginia State Crime Commission shall determine the feasibility of penalizing such conduct even though the victim is 18 years of age or older and attempt to determine the number of cases involving sexual conduct between teachers or other school personnel and students 18 years of age or older.

Technical assistance shall be provided to the Virginia State Crime Commission by the Department of State Police and the Virginia Criminal Sentencing Commission. All agencies of the Commonwealth shall provide assistance to the Virginia State Crime Commission for this study, upon request.

The Virginia State Crime Commission shall complete its meetings by November 30, 2013, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2014 Regular Session of the General Assembly. The executive summary shall state whether the Virginia State Crime Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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