

HB 211 -- SEXUAL EXPLOITATION BY A PERSON WITH HIGHER AUTHORITY

SPONSOR: Conway (104)

This bill establishes Carrie's Law that creates the crime of sexual exploitation by a person of higher authority, a class B misdemeanor with specified exceptions when it is a class A misdemeanor. A person commits the crime if he or she holds himself or herself out to be in any higher authority than the victim whether the authority is related to a professional license or is recognized or upheld as an authority figure within the scope of his or her relationship with a specific group or body of individuals or constituencies and engages in sexual conduct with another person who is not his or her spouse and the sexual conduct occurred following a documented pattern of efforts to seduce the victim over a period of time and during the course of a meeting in which the victim sought or received instruction, counseling, advice, therapy, aid, or comfort from the person or within 120 days after the meeting has ended; or during a period of time in which the victim was meeting on an ongoing basis with the person of higher authority to seek or receive instruction, counseling, advice, therapy, aid, or comfort; or while the person was in a position of trust or authority over the victim and used that position of trust or authority to engage in the sexual conduct.

Consent by the victim is not a defense under these provisions.