

SENATE BILL REPORT

SB 5346

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 8, 1991

Brief Description: Defining the crime of communication with a minor for immoral purposes.

SPONSORS: Senator Nelson.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5346 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Staff: Richard Rodger (786-7461)

Hearing Dates: February 4, 1991; February 8, 1991

BACKGROUND:

The Court of Appeals in State v. Danforth, 56 Wn. App. 133 (1989) held that the communication with a minor for immoral purposes statute applied only to the offenses contained in Chapter 9.68A RCW. These offenses concern the sexual exploitation of children and include photographing sexually explicit conduct, live sexual performances, and engaging in sexual conduct for a fee.

The court declined to expand the scope of the definition of "immoral purposes" to cover other sexual offenses, stating that such expansion of the statute is the function of the Legislature.

SUMMARY:

A person is guilty of communicating with a minor for immoral purposes when they command, solicit, encourage, request, or proposition a minor to commit an act which is a criminal offense under Title 9 or 9A RCW.

EFFECT OF PROPOSED SUBSTITUTE:

The bill applies only to persons who are 18 years of age or older who commit felony sexual offenses.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Definition avoids vagueness in the statute and expands the scope of coverage to all sex offenders.

TESTIMONY AGAINST: None

TESTIFIED: George Steele, Thurston County Prosecuting Attorney's Office (pro); Rod Moody, Pierce County Prosecuting Attorney's Office (pro)