

1 **ESSB 5186** - H COMM AMD **ADOPTED 4-9-93**
2 By Committee on Judiciary

3 Strike everything after the enacting clause and insert the
4 following:

5 "NEW SECTION. **Sec. 1.** A new section is added to chapter
6 9A.40 RCW to read as follows:

7 A person commits the crime of luring if the person:

8 (1)(a) Orders, lures, or attempts to lure a minor or
9 developmentally disabled person into a structure that is obscured
10 from or inaccessible to the public or into a motor vehicle;

11 (b) Does not have the consent of the minor's parent or
12 guardian or the developmentally disabled person's guardian; and

13 (c) Is unknown to the child or developmentally disabled
14 person.

15 (2) It is a defense to luring, which the defendant must prove
16 by a preponderance of the evidence, that the defendant's actions
17 were reasonable under the circumstances and the defendant did not
18 have any intent to harm the health, safety, or welfare of the minor
19 or developmentally disabled person.

20 (3) For purposes of this section:

21 (a) "Minor" means a person under the age of sixteen;

22 (b) "Developmentally disabled person" means a person with a
23 developmental disability as defined in RCW 71A.10.020.

24 (4) Luring is a class C felony."

EFFECT: The provisions are stricken entirely and replaced
with the house version as adopted in SHB 1737. The amendment
(1) specifies that the defendant shall bear the burden of
proving a defense to the crime of luring by a preponderance of

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the evidence. The remaining provisions are very similar to the senate bill but the bill is (2) restructured; (3) applies to developmentally disabled persons instead of incompetent persons (4) defines minors and developmentally disabled persons; and (5) does not define "luring."