

HOUSE BILL REPORT

ESSB 5186

As Reported By House Committee On:
Judiciary

Title: An act relating to luring.

Brief Description: Prohibiting the luring of minors or incompetent persons into vehicles or structures.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators von Reichbauer, A. Smith, McCaslin, Prentice, Gaspard, Hargrove, Quigley, Winsley and Erwin).

Brief History:

Reported by House Committee on:
Judiciary, April 2, 1993, DPA.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 15 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Johanson; Locke; Long; Mastin; Riley; Schmidt; Scott; Tate; and Wineberry.

Staff: Patricia Shelledy (786-7149).

Background: If a stranger tries to order or entice a child into a car, sufficient facts may support a criminal charge of attempted kidnapping, unlawful imprisonment, or, in some cases, communicating with a minor for immoral purposes. Some police officers have reported that the police receive numerous reports that strangers have attempted to order or entice children into cars.

Incompetent persons are also protected by statutes prohibiting kidnapping, attempted kidnapping, and unlawful imprisonment. "Incompetent person" is not defined and may or may not include developmentally disabled persons.

Summary of Amended Bill: A new crime of "luring" is created. A person is guilty of luring when he or she orders, lures, or attempts to lure a child less than 16 years old, or a developmentally disabled person: (1) into a vehicle or into an area obscured from or inaccessible to the public; (2) he or she is unknown to the child or

developmentally disabled person; and (3) the parent or guardian does not consent.

It is an affirmative defense which the defendant must prove by a preponderance of the evidence that the defendant's actions were reasonable, and the defendant did not intend to harm the child or developmentally disabled person.

"Luring" is a class C felony.

The crime of luring is left unranked so the court may impose a sentence of 0-12 months in jail.

Amended Bill Compared to Engrossed Substitute Bill: The bill is rewritten and restructured; an affirmative defense which the defendant must prove is clearly established; and the crime applies to developmentally disabled person rather than "incompetent persons."

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Several incidents of strangers trying to lure children into cars have been reported. This bill will help increase children's safety.

Testimony Against: None.

Witnesses: Senator Von Reichbauer, prime sponsor (pro); and Donna Deleno, Washington Coalition of Sexual Assault Programs (pro).