

SENATE BILL REPORT

ESSB 5186

AS PASSED SENATE, FEBRUARY 25, 1993

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)

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5186 be substituted therefor, and the substitute bill do pass.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Staff: Tom McBride (786-7448)

Hearing Dates: January 29, 1993; February 5, 1993

HOUSE COMMITTEE ON JUDICIARY

BACKGROUND:

Sexual offenses are set forth in the Washington Criminal Code and include rape of a child, child molestation, communicating with a minor for immoral purposes, and assault of a child, as well as other offenses.

Police receive numerous reports that strangers have attempted to order or entice children into cars. This occurs outside of schools, on public streets, etc.

SUMMARY:

The new crime of "luring" is created. A person is guilty of luring when he or she, without consent from the guardian or parent, unreasonably requests or persuades a child or incompetent person to 1) enter an area that is obscured from or inaccessible to the public, and 2) he or she is unknown to the child or incompetent person.

Luring is a class C felony.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

The new crime is a necessary tool to enable police and prosecutors to combat the increased number of incidents where a stranger tries to get a child into a car or other area.

TESTIMONY AGAINST: None

TESTIFIED: Craig C. Sarver, WSCPO (pro); Mike Patrick, WSCPO (pro); Donna Deleno, Washington Coalition of Sexual Assault Programs (pro); Mike Redman, WAPA

HOUSE AMENDMENT(S):

The definition of luring is expanded to include developmentally disabled persons. The crime of luring is made a crime of strict liability and it is provided that the defendant shall bear the burden of proving that his or her actions were reasonable and there was no intent to harm the child or developmentally disabled person.