

SENATE BILL REPORT

SB 5784

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 25, 1993

Brief Description: Communicating with a minor for immoral purposes.

SPONSORS: Senators A. Smith and Oke

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5784 be substituted therefor, and the substitute bill do pass.

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

Staff: Tom McBride (786-7448)

Hearing Dates: February 25, 1993

BACKGROUND:

The crime of communicating with a minor for immoral purposes is included in Chapter 9.68A RCW. That chapter includes the crimes of sexual exploitation of a minor, patronizing a juvenile prostitute, and various crimes involving depictions of minors in sexually explicit poses.

Recent Washington Court of Appeals decisions have restricted charging the crime of communicating with a minor for immoral purposes to communications that are meant to lead to violations of Chapter 9.68A RCW. Thus the communication must be intended to convince the minor to perform an act which constitutes one of the crimes included in Chapter 9.68A RCW.

Communications intended to get a minor to perform sexual acts that do not fit into the crimes included in Chapter 9.68A RCW, cannot be charged under the statute under the current case law.

SUMMARY:

The legislative intent is clarified to expressly indicate that communications with a minor for the purpose of committing any sexual felony, including ones not in Chapter 9.68A RCW, or for the purpose of the sexual gratification of the perpetrator are meant to be covered by the statute. The legislative intent further clarifies that the statute is meant to reach behavior meant to groom a child for future sexual abuse.

Any prior sexual felony conviction, whether in this state or another, will increase the charge of communicating with a

minor for immoral purposes from a gross misdemeanor to a class C felony.

"Immoral purposes" is defined to include any act that constitute a felony sex offense or conduct for the sexual gratification of the perpetrator, where the minor's presence is a necessary and intended element of the perpetrator's sexual gratification.

EFFECT OF PROPOSED SUBSTITUTE:

It is clarified that any prior felony sex conviction, in this or any other state, will move this crime from a gross misdemeanor to a class C felony. The requirement that the minor be physically present during the communication is deleted. The minor must be an element of the perpetrator's sexual gratification.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Many instances of communicating with minors to engage in illegal sexual acts is not covered under the current statute. This bill is needed to charge and prevent these acts.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Donna Deleno, Washington Coalition of Sexual Assault Programs; Lonnie Johns-Brown, NOW; Matt Thomas, WAPA