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**SUBSTITUTE HOUSE BILL 1737**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** House Committee on Judiciary (originally sponsored by Representatives Ballasiotes, Campbell, Dyer, Morris, Thomas, Schoesler, Chappell, Dorn, Riley, Anderson, H. Myers, Mielke, Van Luven, Cooke, Scott, Foreman, Jones, Ballard, Jacobsen, Brough, Kremen, Silver, Rayburn, G. Fisher, Orr, Long, Johanson, Schmidt and Wood)

Read first time 02/19/93.

1 AN ACT Relating to crimes involving minors or developmentally  
2 disabled persons; amending RCW 9.68A.090; adding a new section to  
3 chapter 9A.40 RCW; creating a new section; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature intends to clarify that the  
6 offense of communicating with a minor for immoral purposes occurs  
7 whenever a person communicates with a minor and the communication is  
8 committed for the sexual gratification of the perpetrator, or for  
9 purposes which, if completed, would be a sex offense under Title 9 or  
10 9A RCW. The legislature also intends to prohibit communications for  
11 the sexual exploitation of minors and for the grooming of minors to  
12 facilitate sexual abuse. Further, the legislature intends to protect  
13 developmentally disabled persons from communications with them for  
14 immoral purposes.

15 **Sec. 2.** RCW 9.68A.090 and 1989 c 32 s 7 are each amended to read  
16 as follows:

17 (1) A person who communicates with a minor or developmentally  
18 disabled person for immoral purposes is guilty of a gross misdemeanor,

1 unless that person has previously been convicted under this section or  
2 of a felony (~~(sexual)~~) sex offense (~~(under chapter 9.68A, 9A.44, or~~  
3 ~~9A.64 any other felony sexual offense)~~) in this or any other state, in  
4 which case the person is guilty of a class C felony punishable under  
5 chapter 9A.20 RCW.

6 (2) As used in this section:

7 (a) "Immoral purposes" means:

8 (i) Any act which, if completed, would constitute a violation of  
9 chapter 9.68A, 9A.44, 9A.64, or 9A.88 RCW; or

10 (ii) Conduct or communication with a minor or developmentally  
11 disabled person when committed for the sexual gratification of the  
12 perpetrator when the minor or developmentally disabled person is the  
13 object of the gratification.

14 (b) "Minor" means a person under age eighteen when communicating  
15 with the minor for the immoral purposes prohibited by RCW 9A.44.093,  
16 9A.44.096, 9A.64.020, any violation in chapter 9A.88 RCW, or any other  
17 section in this chapter. In all other cases, "minor" means a person  
18 under age sixteen.

19 (c) "Developmentally disabled person" means a person with a  
20 developmental disability as defined in RCW 71A.10.020.

21 NEW SECTION. Sec. 3. A new section is added to chapter 9A.40 RCW  
22 to read as follows:

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

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

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

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

30 (2) It is a defense to luring, which the defendant must prove  
31 beyond a preponderance of the evidence, that the defendant's actions  
32 were reasonable under the circumstances and the defendant did not have  
33 any intent to harm the health, safety, or welfare of the minor or  
34 developmentally disabled person.

35 (3) For purposes of this section:

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

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

1 (4) Luring is a class C felony.

2 NEW SECTION. **Sec. 4.** If any provision of this act or its  
3 application to any person or circumstance is held invalid, the  
4 remainder of the act or the application of the provision to other  
5 persons or circumstances is not affected.

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