
HOUSE BILL 2812

State of Washington

55th Legislature

1998 Regular Session

By Representatives Carrell, Lambert, Sherstad, Talcott and Backlund

Read first time 01/20/98. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to the harboring of at-risk youth; amending RCW
2 13.32A.080 and 13.32A.082; creating a new section; and prescribing
3 penalties.

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

5 NEW SECTION. Sec. 1. The legislature finds that predatory
6 individuals, such as drug dealers, sexual marauders, and panderers,
7 provide shelter to at-risk youth as a means of preying upon them. The
8 legislature further finds that at-risk youth are vulnerable to the
9 influence of these individuals. Thus, the legislature finds that it is
10 important to the safety of Washington's youth that they be prevented
11 from coming in contact with these predatory individuals. The
12 legislature further finds that locating runaway children is the first
13 step to preventing individuals from preying on these youth and to
14 achieving family reconciliation. Therefore, the legislature intends to
15 use punitive measures to create a clear disincentive for predatory
16 individuals intending to take advantage of at-risk youth. The
17 legislature further intends that all persons be required to report the
18 location of a runaway minor, but that those individuals who fail to
19 make such a report because they wish to have the minor remain unlocated

1 as a means of preying upon them be punished for their failure to report
2 the child's location.

3 **Sec. 2.** RCW 13.32A.080 and 1994 sp.s. c 7 s 507 are each amended
4 to read as follows:

5 (1)(a) A person commits the crime of unlawful harboring of a minor
6 if the person provides shelter to a minor without the consent of a
7 parent of the minor and after the person knows that the minor is away
8 from the home of the parent, without the parent's permission, and if
9 the person intentionally:

10 (i) Fails to release the minor to a law enforcement officer after
11 being requested to do so by the officer; or

12 (ii) Fails to disclose the location of the minor to a law
13 enforcement officer after being requested to do so by the officer, if
14 the person knows the location of the minor and had either taken the
15 minor to that location or had assisted the minor in reaching that
16 location; or

17 (iii) Obstructs a law enforcement officer from taking the minor
18 into custody; or

19 (iv) Assists the minor in avoiding or attempting to avoid the
20 custody of the law enforcement officer; or

21 (v) Engages the child in a crime; or

22 (vi) Engages in a clear course of conduct that demonstrates an
23 intent to contribute to the delinquency of a minor or the involvement
24 of a minor in a sex offense as defined in RCW 9.94A.030.

25 (b) It is a defense to a prosecution under this section that the
26 defendant had custody of the minor pursuant to a court order.

27 (2) Harboring a minor is punishable as a gross misdemeanor.

28 (3) Any person who provides shelter to a child, absent from home,
29 may notify the department's local community service office of the
30 child's presence.

31 (4) An adult responsible for involving a child in the commission of
32 an offense may be prosecuted under existing criminal statutes
33 including, but not limited to:

34 (a) Distribution of a controlled substance to a minor, as defined
35 in RCW 69.50.406;

36 (b) Promoting prostitution as defined in chapter 9A.88 RCW; and

37 (c) Complicity of the adult in the crime of a minor, under RCW
38 9A.08.020.

1 **Sec. 3.** RCW 13.32A.082 and 1996 c 133 s 14 are each amended to
2 read as follows:

3 (1) Any person who, without legal authorization, provides shelter
4 to a minor and who knows at the time of providing the shelter that the
5 minor is away from the parent's home, or other lawfully prescribed
6 residence, without the permission of the parent, shall promptly report
7 the location of the child to the parent, the law enforcement agency of
8 the jurisdiction in which the person lives, or the department. The
9 report may be made by telephone or any other reasonable means.

10 (2) Unless the context clearly requires otherwise, the definitions
11 in this subsection apply throughout this section.

12 (a) "Shelter" means the person's home or any structure over which
13 the person has any control.

14 (b) "Promptly report" means to report within eight hours after the
15 person has knowledge that the minor is away from home without parental
16 permission.

17 (3) When the department receives a report under subsection (1) of
18 this section, it shall make a good faith attempt to notify the parent
19 that a report has been received and offer services designed to resolve
20 the conflict and accomplish a reunification of the family.

21 (4) A person who violates subsection (1) of this section with the
22 intent to contribute to the delinquency of a minor or the involvement
23 of a minor in a sex offense as defined in RCW 9.94A.030 is guilty of a
24 misdemeanor.

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