

HOUSE BILL REPORT

HB 1225

As Passed House:

February 24, 2003

Title: An act relating to communication with a minor for immoral purposes.

Brief Description: Expanding the crime of communicating with a minor for immoral purposes.

Sponsors: By Representatives Lantz, Carrell, McMahan, Moeller, Campbell, Lovick and Chase; by request of Attorney General.

Brief History:

Committee Activity:

Judiciary: 2/6/03, 2/11/03 [DP].

Floor Activity:

Passed House: 2/24/03, 96-0.

Brief Summary of Bill

- Amends the crime of communicating with a minor for immoral purposes to include communicating with someone the person believes to be a minor.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

Staff: Trudes Tango Hutcheson (786-7384).

Background:

A person who communicates with a minor for immoral purposes is guilty of a gross misdemeanor. It becomes a class C felony if the person has been convicted of the offense before or has other felony sex offense convictions. Under case law, "immoral purposes" refers to promoting a child's exposure to and involvement in sexual misconduct.

Law enforcement and prosecution agencies are prohibited from employing minors to aid in their investigations of communicating with a minor for immoral purposes.

A person is guilty of an attempt to commit a crime if, with intent to commit a specific crime, the person does any act which is a substantial step toward the commission of the crime. It is not a defense to a prosecution of attempt that the crime would have been factually impossible to complete. For example, in a recent case, the court upheld a conviction for attempted rape of a child of a defendant who made arrangements to have sexual intercourse with a person the defendant believed to be a young girl. The court rejected the defendant's argument that he could never take a substantial step toward completing the crime because the "child" was really an undercover detective. *State v. Townsend*, 147 Wn.2d 666 (2002).

An attempt to commit a crime is a gross misdemeanor when the underlying crime attempted is a class C felony. Attempt to commit a crime is a misdemeanor when the underlying crime attempted is a gross misdemeanor.

Summary of Bill:

The crime of communicating with a minor for immoral purposes can be committed by communicating with someone the person believes to be a minor.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.

Testimony For: The Internet is the world's riskiest playground. Children think they are anonymous on the Internet, but predators can track a child down in no time. Predators pose as young teenagers to befriend other teens and establish a trusting relationship. It is difficult to police the Internet. Under the current law, police cannot arrest a predator for communicating with a minor for immoral purposes when there isn't a minor involved, and instead a detective is posing as a minor. The bill will help police officers. If a minor is not involved the law does not apply.

Testimony Against: None.

Testified: Christine Gregoire, Attorney General; Leanne Shirey, Seattle Police Department; Hugh Birgenheir, Pierce County Prosecutor's Office; Randy Carroll, Bellingham Police Department, Washington Association of Chiefs of Police, and

Washington Electronic Crime Awareness Resource and Education Committee; Carol Cann, Washington State Parent/Teacher's Association; and Tom McBride, Washington Association of Prosecuting Attorneys.