

SENATE BILL REPORT

SB 6258

As of February 3, 2012

Title: An act relating to unaccompanied persons.

Brief Description: Concerning unaccompanied persons.

Sponsors: Senators Stevens, Carrell, Kohl-Welles, Fraser, Delvin, Regala and Roach.

Brief History:

Committee Activity: Judiciary: 1/27/12.

SENATE COMMITTEE ON JUDICIARY

Staff: Katherine Taylor (786-7434)

Background: Negligent treatment or maltreatment means an act or a failure to act or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety. When considering whether a clear and present danger exists, great weight will be given to evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself. Child or children means any person under the age of eighteen years of age.

A person commits the crime of luring if the person orders, lures, or attempts to lure a minor or a person with a developmental disability into any area or structure that is obscured from or inaccessible to the public or into a motor vehicle; does not have the consent of the minor's parent or guardian or of the guardian of the person with a developmental disability; or is unknown to the child or developmentally disabled person.

It is a defense to luring, which the defendant must prove by a preponderance of the evidence, that the defendant's actions were reasonable under the circumstances and that the defendant did not have any intent to harm the health, safety, or welfare of the minor or the person with the developmental disability.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Luring is a class C felony, punishable by up to one year of confinement and/or a fine of up to \$10,000.

Summary of Bill: Negligent treatment or maltreatment may include a physical search without probable cause of a child that involves the act of touching the anus, sexual organ, buttocks, or breast of the other person, such as touching through clothing; or the act of a parent in allowing a child under the age of fourteen to be transported unaccompanied by a parent or adult responsible for the child's care.

A person commits the crime of luring if the person orders, lures, or attempts to lure a minor or a person with a developmental disability into any area or structure that is obscured from or inaccessible to the public, or away from any area or structure constituting a bus terminal, airport terminal, or other transportation terminal, or into a motor vehicle; does not have the consent of the minor's parent or guardian or of the guardian of the person with a developmental disability; or is unknown to the child or developmentally disabled person.

Appropriation: None.

Fiscal Note: Requested on January 16, 2012.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on January 1, 2013.